

Kansas Judicial Council Bulletin

JUNE, 1974

SPECIAL BULLETIN



ROBERT H. COBEAN

Chairman

Judicial Council Probate Forms Advisory Committee

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The JUDICIAL COUNCIL BULLETIN is published at least twice annually and mailed without charge to lawyers, courts, public officials, newspapers and libraries, who are interested in our work. We are glad to add to our mailing list the name of any person who is interested in receiving the BULLETIN regularly. We will also send current numbers to persons making requests for them, and will furnish back numbers so far as available.

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FOREWORD

Forms for guidance in the administration of estates in the probate court have been printed and published in the BULLETIN of the KANSAS JUDICIAL COUNCIL for many years. Recent amendments of the probate code have made many of the previously published forms obsolete, and as a result the JUDICIAL COUNCIL appointed an advisory committee to assist in the drafting of a new set of forms which are published herein. The members of the advisory committee are: Robert H. Cobean, Chairman, Wellington; Jon C. Christlieb, Kansas City; Malcolm G. Copeland, Topeka; Clifford Holland, Jr., Russell; Roy Kirby, Coffeyville; Walter G. Stumbo, Topeka.

The members of the JUDICIAL COUNCIL have reviewed and edited these forms making changes where necessary. The forms published herein are approved by the JUDICIAL COUNCIL for use in the guidance of members of the Kansas Bar. The forms reflect decisions of the Kansas Supreme Court through Volume 212 of the official reports.

The members of the advisory committee have undertaken this extra task enthusiastically and intensively. The careful and tireless attention devoted to the work over a period of several years is indicated by its thoroughness and the simplicity of each form. Into it they have put their learning, their experience, their devotion and their meager and valuable leisure time. The members of the legal profession owe a debt of gratitude to these men who have so valiantly responded to the call of duty.

ALFRED G. SCHROEDER, *Chairman*,
The Judicial Council of the State of Kansas.

The Doe and Roe Estates Revisited and Updated (Also Jones, Smith and Sausage Estates)

The Judicial Council Bulletins of April, 1946, April, 1950, and July, 1956, included suggested probate forms, with references and comments, to assist the members of the Kansas Bar in their Probate Court practice. Through the years, the July, 1956, issue of the Judicial Council Bulletin has been the most requested of all Judicial Council Bulletins and is now out of print.

Not only is the July, 1956, Bulletin out of print but many lawyers have been admitted to practice and many legislative amendments to the Probate Code have been adopted during the last 17 years. Because of the foregoing and also because the JUDICIAL COUNCIL continues to receive many requests for the out-of-print July, 1956, Bulletin, the Council appointed an advisory committee to update suggested probate forms for publication in this issue of the Judicial Council Bulletin. The advisory committee is composed of Jon C. Christlieb; Robert H. Cobean, Chairman; Malcolm G. Copeland; Clifford R. Holland, Jr.; Roy Kirby; Walter Stumbo; and Randy M. Hearrell, Reporter.

As in the suggested forms in past issues of the Judicial Council Bulletin, mythical estates have been taken through mythical proceedings from the filing of petitions to the final orders of discharge. These forms incorporate all legislative changes to date, including the amendments to the Probate Code providing for the shortened period of administration and the shortened nonclaim statute.

Partially because of the substantial changes in the Probate Code since 1956, the format of the forms appearing in this issue of the Bulletin is also substantially changed from the earlier format.

Not only has the format of the forms been changed but, in order to be as much help as possible to the practicing lawyers of Kansas, forms for some additional proceedings will appear in this issue of the Bulletin. The sets of forms include:

1. Special Administration
2. Testate Administration
3. Intestate Administration
4. Determination of Descent
5. Foreign Will Probate
6. Proceedings for Statutory Allowances
7. Proceedings to Set Apart Homestead
8. Sale of Personal Property at Private Sale
9. Sale of Personal Property at Public Auction
10. Sale of Real Estate at Private Sale
11. Sale of Real Estate at Public Auction

In the references given at the end of each form, the K. S. A. citations refer to K. S. A. Supp. wherever applicable and the members of the Bar are urged to be aware of this fact. The word "Supp." was not used in the reference partially because so many present citations are now found in the Supplement to the Kansas Statutes Annotated, but more particularly because, in the future, many more supplement citations will need to be searched by the users of these forms.

The drafters of these forms are most aware that no form or set of forms can be blindly followed, but we hope that the following suggested forms can be useful in calling to the attention of the members of the Kansas Bar the many provisions of the Statutes and the Constitutions, both State and Federal, which must be observed in order to meet the minimum requirements of State and Federal due process conferring upon the Court jurisdiction of the parties and the subject matter and thereby making marketable the title to the property, real and personal, administered by the Probate Courts of Kansas. The most recent Kansas Supreme Court decision dealing with "constitutional due process" is "In the Matter of the Estate of Willis B. Barnes, Deceased," 212 Kansas 502. Forms 103, 115, 120, 137, 145, 201, 204, 216, 223, 347, 367, 401, 408, 501 and 506 are intended to comply with *In re Barnes*.

In the interest of economy of publication, the caption and the verification is shown in full only in the initial form in each set of forms published. Thereafter they are indicated only by the use of the words "Caption" and "Verification" which is a reference back to the initial forms of each proceedings.

ROBERT H. COBEAN, *Chairman*,
Judicial Council Advisory
Committee on the Probate Forms.

INDEX TO SPECIAL ADMINISTRATION FORMS

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Petition for Appointment of Special Administrator |
| 2 | Order for Hearing |
| 3 | Order Appointing Special Administrator |
| 4 | Oath of Special Administrator |
| 5 | Bond of Special Administrator |
| 6 | Letters of Special Administration |
| 7 | Petition for Order Approving Accounting and Closing Special Administration |
| 8 | Order for Hearing |
| 9 | Order Approving Accounting and Closing Special Administration |
| 10 | Receipt for Property Delivered |
| 11 | Journal Entry of Final Discharge of Special Administrator |

(1)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

IN THE MATTER OF THE ESTATE OF }
JOHN DOE , DECEASED

Number 4000

Petition for Appointment of Special Administrator

COMES NOW Mary Doe and alleges:

1. That she is a resident of Apache County, Kansas, and that her address is Route 1, Hometown, Kansas 66648 .

2. That she is the widow and heir at law of the decedent .

3. That John Doe died at Hometown, Kansas , on the 3rd day of July , 19 72 , that at the time of his death he was a resident of Apache County, Kansas and a citizen of the United States.

4. That decedent owned at the time of his death:

(a) Approximately five hundred acres of growing wheat which should be harvested, sold or otherwise disposed of to avoid a substantial loss thereof.

(b) A retail produce business which he also operated and which consists of a substantial inventory of fruit, vegetables and other perishable products, and the operation of said business should be continued for the purpose of avoiding a substantial or total loss thereof.

5. That a Special Administrator should be appointed forthwith to perform the following duties until a further Order of the court:

(a) To harvest the growing crops owned by the decedent at the time of his death; to sell and dispose of the harvested grain by current, customary and practical methods; and to pay from the proceeds of said sale all necessary expenses incurred in the harvesting and sale thereof.

(b) To take into his possession the retail produce business owned and operated by the decedent at the time of his death, continue to manage, conduct and operate the same in such manner and to such extent as he shall determine to be in the best interests of decedent's Estate.

6: That Theodore R. Doe , a resident of the State of Kansas, and whose address is 1120 Main Street , Metropolis , Kansas, 66625 , is a fit and proper person to be appointed Special Administrator of the Estate of John Doe , deceased, and that upon his qualifying by filing with this Court an oath and bond, as required by law and by the Orders of this Court, Letters of Special Administration should be issued to him.

WHEREFORE, Petitioner prays that Theodore R. Doe be appointed Special Administrator of the Estate of John Doe , deceased; that Letters of Special Administration granting the specific authority above requested be issued to him upon his qualifying by filing with this Court an oath and such bond as the Court may require.

MARY DOE

Petitioner

STATE OF KANSAS }
 COUNTY OF APACHE

ss:

JUDICIAL COUNCIL BULLETIN

Mary Doe , of lawful age, being first duly sworn, upon her oath states:
That she is the Petitioner above named; that she has read the above Petition for the Appointment of Special Administrator ; that she knows the content thereof, and that all the statements therein made are true.

MARY DOE

SUBSCRIBED AND SWORN To before me this 5th day of July, 19 72 .
NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:
January 10, 1974

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorney for Petitioner

Reference: K. S. A. 59-710; 59-2202.

Time: May be filed prior to or after filing of Petition for Appointment of Executor or Administrator, or after the appointment of either.

Comment: Adequate and proper showing must be made as to the necessity for Special Administration. A request for appointment of Special Administrator may be included in Petition for Appointment of Executor or Administrator by including appropriate allegations therein.

If Petitioner is a corporation, see Form No. 128 for form of corporate verification.

(2)

(CAPTION)

Order for Hearing

Now on this 5th day of July, 19 72, the Court finds that the Petition for Appointment of Special Administrator filed by Mary Doe should be set for immediate hearing, and that notice of the time and place of hearing by publication or otherwise is not necessary or required by law.

It Is so ORDERED.

A. L. MANN

Probate Judge

(SEAL)

SUBMITTED BY:
PLEADER, PLEADER & TRYOR
BY: W. B. PLEADER
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Petitioner

Reference: K. S. A. 59-710; 59-2204; 59-2208.

Time: The Petition must be set for hearing, but may be heard immediately, unless the Court requires notice.

(3)

(CAPTION)

Order Appointing Special Administrator

Now on this 5th day of July, 1972, comes on for hearing the Petition for Appointment of Special Administrator filed herein by Mary Doe. The Petitioner appears in person and by her attorneys, Pleader, Pleader & Tryor. Theodore R. Doe appears in person. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That notice of the time and place of hearing is not necessary or required by law.

2. That the allegations of the Petition are true.

3. That John Doe, a resident of Apache County, Kansas, died on July 3, 1972, leaving an Estate to be administered.

4. That decedent owned at the time of his death:

(a) Approximately five hundred acres of growing wheat which should be harvested, sold or otherwise disposed of to avoid a substantial loss thereof.

(b) A retail produce business which he also operated and which consists of a substantial inventory of fruit, vegetables and other perishable products, and the operation of said business should be continued for the purpose of avoiding a substantial or total loss thereof.

5. That a Special Administrator should be appointed to perform the following duties until a further Order of the Court:

(a) To harvest the growing crops owned by the decedent at the time of his death, to sell and dispose of the harvested grain by current, customary and practical methods; and to pay from the proceeds of said sale all necessary expenses incurred in the harvesting and sale thereof.

(b) To take into his possession the retail produce business owned and operated by the decedent at the time of his death, continue to manage, conduct and operate the same in such manner and to such extent as he shall determine to be in the best interests of decedent's Estate.

6. That Theodore R. Doe, a resident of Metropolis, Apache County, Kansas, is a fit and proper person to be appointed Special Administrator of said Estate.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That Theodore R. Doe be and he is hereby appointed Special Administrator of the Estate of John Doe, deceased, and that upon the filing of

an oath and bond in the amount of \$5,000 , Letters of Special Administration stating the specific duties hereinabove enumerated issue to him.

A. L. MANN

Probate Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-710; 59-1402.

Time: On date fixed for hearing, or any adjournment thereof.

Comment: If bond is required, see K. S. A. 59-1101 and 59-1102.

(4)

(CAPTION)

Oath of Special Administrator

STATE OF KANSAS
COUNTY OF APACHE

} ss:

I, Theodore R. Doe , do solemnly swear that I will faithfully, impartially, and to the best of my ability, discharge all of the duties of my trust according to law as Special 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 the State of Kansas.

SUBSCRIBED AND SWORN TO before me this THEODORE R. DOE
5th day of July , 19 72 .
A. L. MANN

Probate Judge

(SEAL)

Reference: K. S. A. 59-1702.

Time: Prior to issuance of Letters.

Comment: The oath should contain specific language of Statute, K. S. A. 59-1702.

(5)

(CAPTION)

Bond of Special Administrator

KNOWN 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 \$5,000, to the payment of which, well and truly to be made, we bind ourselves, our executors, administrators and successors firmly by these presents.

The condition of the above obligation is such that whereas the above bounden Theodore R. Doe has been duly appointed by the Probate Court of Apache County, Kansas, Special Administrator of the Estate of John Doe, deceased.

Now if Theodore R. Doe, the said Special 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.

Dated and signed by us this 5th day of July, 19 72.

THEODORE R. DOE

Principal

N. M. HANNA

Surety

Verification of Surety

STATE OF KANSAS }
 COUNTY OF APACHE } ss:

I, N. M. Hanna, being duly sworn, on my oath state:

That I am worth, over and above all my liabilities and legal exemptions, the sum of \$5,000.

N. M. HANNA

Surety

SUBSCRIBED AND SWORN TO before me this 5th day of July, 19 72.

A. L. MANN

Probate Judge

(SEAL)

The above bond taken and approved by me this 5th day of July, 19 72.

A. L. MANN

Probate Judge

(SEAL)

Reference: K. S. A. 59-710; 59-1101; 59-1102.

Time: Prior to issuance of Letters.

Comment: If required, bond must be approved and filed before Letters of Special Administration can be granted.

Where corporate surety bond is filed no verification of surety is necessary. See Form No. 206 generally.

(6)

(CAPTION)

Letters of Special Administration

KNOWN ALL MEN BY THESE PRESENTS:

That Theodore R. Doe of Metropolis, Apache County, Kansas, having been appointed and having qualified as Special Administrator of the Estate of John Doe, deceased, is hereby granted Letters of Special Administration to perform the following duties until further Order of the Court.

1. To harvest the growing crops owned by the decedent at the time of his death; to sell and dispose of the harvested grain by current, customary and practical methods; and to pay from the proceeds of said sale all necessary expenses incurred in the harvesting and sale thereof.
2. To take into his possession the retail produce business owned and operated by the decedent at the time of his death, continue to manage, conduct and operate the same in such manner and to such extent as he shall determine to be in the best interests of decedent's estate.

IN WITNESS WHEREOF, I, A. L. MANN, Probate Judge of said county and state, have hereunto subscribed my name and affixed the seal of said Court in Metropolis, Apache County, Kansas, this 5th day of July, 19 72.

A. L. MANN

Probate Judge

(SEAL)

PLEADER, PLEADER & TRYOR,
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Special Administrator

Reference: K. S. A. 59-710.

Time: As soon as the oath and bond, if required, are approved.

Comment: Letters shall enumerate specific duties, if any, which Special Administrator is authorized to perform.

To assist persons and organizations receiving copies of Letters of Special Administration to communicate relative to the decedent's estate and facilitate Probate Court recording, the name and address of attorneys representing the Special Administrator should appear on the pleading.

(7)

(CAPTION)

Petition for Order Approving Accounting and Closing Special Administration

COMES NOW Theodore R. Doe Special Administrator, and alleges:

1. That Letters of Special Administration were granted to him on July 5, 19 72.

2. That a complete and accurate account of his administration as Special Administrator is attached hereto, marked Exhibit "A," incorporated herein by reference, and should be settled and allowed by the Court.

3. That Letters Testamentary were granted to Mary Doe on the 4th day of August, 1972, and that there is no need for further Special Administration.

4. That the Petitioner has performed valuable services in said Estate as Special Administrator, and shows he has employed Pleader, Pleader & Tryor, as his attorneys; that these attorneys have performed valuable services in this Estate and that an allowance should be made for his services and the services of said attorneys as follows:

(a) To the Special Administrator for his compensation in the sum of \$____ and expenses in the sum of \$____.

(b) To the Special Administrator for his attorneys' fees in the sum of \$____ and their expenses in the sum of \$____.

5. That after payment of allowances, fees and Court costs, the balance in the Special Administrator's account, together with all other assets and property remaining in Petitioner's hands belonging to decedent's Estate, should be paid and delivered by Petitioner to Mary Doe, Executrix of the said Estate.

WHEREFORE, Petitioner prays that his account be settled and allowed and that this Special Administration be closed; that the Court find that the allowances requested for Special Administrators compensation and expenses, attorneys' fees and expenses are reasonable and should be allowed; that the Court costs be determined and ordered paid; that said allowances, fees and costs be ordered paid by Petitioner from funds in his hands belonging to decedent's Estate; that the remaining cash on hand, together with all other property accounted for herein, be ordered paid and delivered to Mary Doe, Executrix of the Estate of John Doe, deceased; and that upon the filing of receipts herein evidencing such payment and delivery, Petitioner and the surety on his his bond be discharged from any and all further duties or liabilities in the premises.

THEODORE R. DOE

Petitioner

(VERIFICATION)

(See Form No. 1 for Verification.)

PLEADER, PLEADER & TRYOR
 The Hometown State Bank Building
 Hometown, Kansas 66648
 Attorneys for Special Administrator

Reference: K. S. A. 59-710; 59-1502; 59-1703; 59-1717; 59-1718; 59-2208.

Time: When the need for Special Administration has expired. Other Accountings must be filed upon the Order of the Court.

Comment: A copy of the Accounting may be provided the Special Administrator's Surety or to the company writing the Surety Bond.

Although a formal notice of hearing on the Petition for Order Approving Accounting and Closing Special Administration is not required by statute, the Court may direct that such notice be given pursuant to K. S. A. 59-2208.

If fees are to be allowed, it is considered to be the better practice that the Order for Hearing direct that notice be given and proof of service made thereof.

If the Petition is to be heard without notice, see Form No. 2. If notice by mail is required, see Form No. 129, Order for Hearing, and Form No. 115, Affidavit of Service.

Exhibit "A"

(To be attached to Petition as an Exhibit)

ACCOUNT OF THEODORE R. DOE SPECIAL ADMINISTRATOR OF
THE ESTATE OF JOHN DOE DECEASED
July 3, 1972—July 24, 1972

Receipts

| <i>Date</i> | <i>Received from</i> | <i>Explanation</i> | <i>Amount</i> |
|--------------------------|--|--|---------------|
| 7-5-72 | The Hometown State Bank, Hometown, Ks. | Proceeds from decedent's produce business check- ing account | \$1,000.00 |
| 7-6-72 | The Hometown Grain Company, Hometown, Kansas | Sale of Wheat—3,000 bushels at \$1.50 | 4,500.00 |
| 7-7-72 | The Hometown Grain Company, Hometown, Kansas | Sale of wheat—2,650 bushels at \$1.48 | 3,922.00 |
| 7-8-72 | The Hometown Grain Company, Hometown, Kansas | Sale of wheat—4,050 bushels at \$1.40 | 5,670.00 |
| 7-9-72 | The Hometown Grain Company, Hometown, Kansas | Sale of wheat—2,800 bushels at \$1.40 | 3,920.00 |
| 7-10-72 | Doe's Produce Store Hometown, Kansas | Proceeds from operation of business July 3 through July 9 | 1,400.90 |
| 7-13-72 | Frank Smith, Hometown, Kansas | Collection of account owed to decedent's produce business | 250.00 |
| 7-17-72 | Doe's Produce Store, Hometown, Kansas | Proceeds from operation of business July 10 through July 16 | 1,700.00 |
| 7-23-72 | Doe's Produce Store, Hometown, Kansas | Proceeds from operation of business July 17 to twelve o'clock noon August 4 | 1,500.00 |
| Total Receipts | | | \$23,862.90 |

Disbursements

| <i>Date</i> | <i>Paid to</i> | <i>Purpose</i> | <i>Amount</i> |
|---------------------------|---|---|---------------|
| 7-10-72 | John Corn, Hometown, Kansas | Salary of employee of produce business | \$ 200.00 |
| 7-10-72 | Mary Peach, Hometown, Kansas | Salary of employee of produce business | 100.00 |
| 7-10-72 | Orval Pear, Hometown, Kansas | Salary of employee of produce business | 100.00 |
| 7-10-72 | Wholesale Produce Company, Metropolis, Kansas | Produce purchased for business | 500.00 |
| 7-10-72 | Clean Cut Harvesters, Open Range, Texas | Payment for combining | 2,250.00 |
| 7-10-72 | I. M. Trucker, Hometown, Kansas | Payment for hauling grain | \$1,250.00 |
| 7-15-72 | City of Hometown, Hometown, Kansas | Water bill for produce business | 40.00 |
| 7-15-72 | Bright Light Company, Hometown, Kansas | Electric bill for produce business | 200.00 |
| 7-15-72 | Blue Flame Gas Company, Hometown, Kansas | Gas bill for produce business | 75.00 |
| 7-15-72 | High Pole Telephone Company, Hometown, Kansas | Telephone bill for produce business | 25.00 |
| 7-24-72 | John Corn, Hometown, Kansas | Salary of employee of produce business | 200.00 |
| 7-24-72 | Mary Peach, Hometown, Kansas | Salary of employee of produce business | 100.00 |
| 7-24-72 | Orval Pear, Hometown, Kansas | Salary of employee of produce business | 100.00 |
| 7-24-72 | Wholesale Produce Company, Metropolis, Kansas | Produce purchased for business | 650.00 |
| 7-24-72 | John Corn, Hometown, Kansas | Salary of employee of produce business | 200.00 |
| 7-24-72 | Mary Peach, Hometown, Kansas | Salary of employee of produce business | 100.00 |
| 7-24-72 | Orval Pear, Hometown, Kansas | Salary of employee of produce business | 100.00 |
| 7-24-72 | Wholesale Produce Company, Metropolis, Kansas | Produce purchased for business | 500.00 |
| Total Disbursements . . . | | | \$6,690.00 |

Recapitulation

| | |
|-------------------------------|-------------|
| Total Receipts | \$23,862.90 |
| Total Disbursements | 6,690.00 |
| | <hr/> |
| Balance on Hand | \$17,172.90 |

The above stated balance on hand is carried in a checking account with The Hometown State Bank, Hometown, Kansas, under the name and style of Theodore R. Doe, Special Administrator, Estate of John Doe, Deceased.

Including the cash balance belonging to the Estate of \$17,172.90, the Special Administrator accounts for the following items of personal property belonging to the Estate of decedent, as follows:

- (a) Retail produce business, including merchandise inventory and all other assets pertaining thereto.
- (b) One Thousand (1,000) bushels of wheat (current harvest) stored on land belonging to decedent's Estate.
-

(8)

Order for Hearing

See Form No. 2 as to: (1) Form.

Reference: K. S. A. 59-710; 59-2204; 59-2208.

Time: The Petition must be set for hearing, but may be heard immediately unless the Court requires notice.

Comment: If the Court requires Notice, see generally Forms No. 129, 130, and 131.

(9)

(CAPTION)

Order Approving Accounting and Closing Special Administration

Now on this 4th day of August, 19 72, comes on for hearing the Petition for Order Approving Accounting and Closing Special Administration filed herein by Theodore R. Doe.

Petitioner appears in person and by his attorneys, Pleader, Pleader & Tryor, Mary Doe, Executrix, of the Estate of John Doe, deceased, appears in person. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That notice of the time and place of hearing is not necessary or required by law.

2. That the allegations of the Petition are true.

3. That Theodore R. Doe is the appointed, qualified and acting Special Administrator of the Estate of John Doe, deceased.

4. That the Accounting of the Special Administrator filed herein is true and correct and should be settled and allowed.

5. That Letters Testamentary were issued to Mary Doe on the 4th day of August, 19 72, and there is no need for further Special Administration.

6. That Theodore R. Doe is entitled to compensation for his services as Special Administrator; that he has employed Pleader, Pleader & Tryor as his attorneys in this Estate; that there are no other costs due this Court; that the following fees, expenses and costs are reasonable and should be paid:

(a) To the Special Administrator for his services in the sum of \$_____ and his expenses in the sum of \$_____.

(b) To the Special Administrator for his attorneys' fees in the sum of \$_____ and their expenses in the sum of \$_____.

(c) To the Court for costs in the amount of \$_____.

7. That after the payment of compensation, attorney fees and costs, the remaining cash on hand in the amount of \$_____, together with all other property accounted for herein, should be paid and delivered to Mary Doe, Executrix of the Estate of John Doe, deceased.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the Accounting of the Special Administrator be and it is hereby settled and allowed; that the Petitioner pay to himself compensation for his services and expenses as Special Administrator, and a fee and expense to Pleader, Pleader & Tryor, his attorneys, the sum hereinabove stated; that he pay to the Court the costs of said Special Administration; and that all of said sums be paid from funds belonging to decedent's Estate.

(C) That the remaining cash on hand, together with all other property accounted for herein, be paid and delivered to Mary Doe, Executrix of the Estate of John Doe, deceased; that said Special Administration be closed; that upon the filing of receipts herein, evidencing payment and delivery as authorized and directed, the special Administrator be discharged and that he and the surety on his bond be released from any and all further liability herein.

A. L. MANN

Probate Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Special Administrator

Reference: K. S. A. 59-710; 59-1717; 59-1718.

Comment: The Order Approving Accounting and Closing Special Administration should approve the accounting; allow fees and grant authority to pay them; direct the disposition of the assets, and close the Special Administration.

(10)

(CAPTION)

Receipt

I, the undersigned Executrix of the Estate of John Doe, deceased, have received of Theodore R. Doe, Special Administrator, the sum of \$_____, together with all other property belonging to decedent's Estate, as enumerated in his Accounting approved by the Court on the 4th day of August, 19 72.

Dated this 4th day of August, 19 72.

MARY DOE

Executrix

Reference: K. S. A. 59-710; 59-1505; 59-1718.

Time: Prior to the Order Discharging Special Administrator.

Comment: Before discharge, the Special Administrator should file receipts showing that he has complied with the Order Approving Accounting and Closing Special Administration.

(11)

(CAPTION)

Journal Entry of Final Discharge of Special Administrator

Now on this 4th day of August, 19 72, the Court finds that Theodore R. Doe, Special Administrator, has filed all the receipts evidencing payment and delivery, as authorized and directed by Order of this Court dated August 4, 1972.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that Theodore R. Doe, Special Administrator, be and he is hereby discharged and he and the surety on his bond are released from any and all further liability.

A. L. MANN

Probate Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Special Administrator

Reference: K. S. A. 59-710; 59-1718.

Time: Whenever the receipts are filed and the Order Closing Special Administration has been complied with in other respects.

Comment: The Order should contain a release of the surety on his bond if applicable.

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(101)

Last Will and Testament of JOHN DOE

NOTE: No Will form is suggested for "John Doe" because the content and format of such document may vary to such extent that it is not feasible to draft a form. In many instances, especially where the nature and situs of the testator's property is widely diversified, and the value thereof substantial, the Last Will and Testament may form but a part of the overall estate plan for the client.

The legal scribe of the testator's Last Will and Testament in such cases must concern himself not only with the testator's desires as to distribution of his estate, but should be cognizant of and carefully analyze all federal and state tax requirements and consequences. Thus, most Wills, when properly drafted, are individual and personalized documents, embodying no particular form, except such basic provisions as may be necessary to comply with applicable laws.

John Doe, in his estate planning, provided that his estate would qualify for maximum marital deduction from both probate and nonprobate assets. His Will provided that his probate assets would be distributed as follows:

- (a) Specific bequest in the form of a testamentary trust of \$10,000 to The Hometown State Bank, Hometown, Kansas, for the benefit of a minor grandson (child of testator's son named in Will, but to whom no bequest was made).
- (b) Specific bequest of stamp collection, having an approximate value of \$1,000, to a minor granddaughter.
- (c) Specific bequests of \$10,000 to each of two sons and one granddaughter (daughter of prior deceased daughter of testator).
- (d) Specific bequest to Church of \$5,000.
- (e) Residue of his estate to his wife.

His Will designated his wife as executrix to serve without bond; and included "Consent of Spouse."

The Will, when probated, necessitated all pleadings for which forms numbered 102 through 147 are suggested.

(102)

Consent of Spouse

I, Mary Doe, of legal age, sound mind and free of any restraint or influence, whatsoever, make the following statements and declaration of consent:

I am the wife of John Doe, of Route 1, Hometown, Kansas, who has made and published the attached document dated April 15, 19 70, declaring the same to be his Last Will and Testament. I have read the contents of the Last Will and Testament and, with full understanding of its meaning and knowledge of my rights under the laws of Kansas, do hereby give my consent to each of the provisions contained therein.

Witness my hand this 15th day of April, 19 70, at Hometown, Apache County, Kansas.

MARY DOE

Attesting Witnesses

We, the undersigned witnesses, being of legal age, hereby attest that we, and each of us, saw Mary Doe sign the above instrument and declare the same to be her consent to the Last Will and Testament of John Doe, her husband, and that we at her request, in her presence and in the presence of each other, hereby subscribe our names as attesting witnesses this 15th day of April, 19 70.

G. O. BACK

CARRY BACK

I. S. GONE

Reference: K. S. A. 59-404; 59-602.

Comment: The above Consent is not intended to deny the spouse the homestead rights or statutory allowances. If this is the intent of the testator, the Will should so provide.

(103)

(CAPTION)

Petition for Probate of Will and Issuance of Letters Testamentary

COMES NOW Mary Doe and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 1, Hometown, Kansas 66648.
2. That the Petitioner has an interest in decedent's Estate as an heir, devisee and legatee, and as Executrix named in the Last Will and Testament of John Doe, deceased, dated April 15, 19 70.
3. That John Doe died testate at Hometown, Kansas, on the 3rd day of July, 19 72; that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States.
4. That the names, ages, relationships, residences and addresses of the heirs of the decedent so far as known or can with reasonable diligence be ascertained are:

| <u>Name</u> | <u>Age</u> | <u>Relationship</u> | <u>Residence & address</u> |
|------------------------|----------------|----------------------------|---|
| <u>Mary Doe</u> | <u>Adult</u> | <u>Wife</u> | <u>Route 1, Hometown, Kansas 66648</u> |
| <u>Theodore R. Doe</u> | <u>Adult</u> | <u>Son</u> | <u>1220 Main Street, Metropolis, Kansas 66625</u> |
| <u>Robert E. Doe</u> | <u>Adult</u> | <u>Son</u> | <u>Serial No. 83927336, APO New York, N. Y. 10026, whose permanent residence is P. O. Box 238, Kaw City, Kansas 66600</u> |
| <u>Thomas A. Doe</u> | <u>Adult</u> | <u>Son</u> | <u>Crossroads, Arizona 79108</u> |
| <u>Mary Ann Jones</u> | <u>16 yrs.</u> | <u>Grand- daughter</u> | <u>Dry Creek, Colorado 66875</u> |

(Minor above named is the child of Mary Doe Jones, a prior deceased daughter of decedent herein.)

5. That so far as known or can with reasonable diligence be ascertained decedent had no spouse or children or adopted children or issue of deceased children, natural or adopted, or other heirs who survived him, other than the persons above named.

6. That the instrument in writing dated April 15, 1970, and filed herewith, is the Last Will and Testament of the decedent; that the same had a legal existence and remained unrevoked at the time of his death; that at the time of the execution thereof he was of legal age, of sound mind, and not under restraint.

7. That the name, residence and address of the named executor of the Will is:

| <u>Name</u> | <u>Residence</u> | <u>Address</u> |
|-----------------|------------------------------|--|
| <u>Mary Doe</u> | <u>Apache County, Kansas</u> | <u>Route 1, Hometown, Kansas 66648</u> |

8. That the name and address of the scrivener of the Will is:

| <u>Name</u> | <u>Address</u> |
|----------------------|---|
| <u>W. B. Pleader</u> | <u>The Hometown State Bank Building, Hometown, Kansas 66648</u> |

9. That Mary Doe, wife of the testator, consented in writing to the Last Will and Testament, as provided by law, which consent is attached to and filed herewith.

10. That the names, ages, relationships, residences and addresses of the devisees and legatees so far as known or can with reasonable diligence be ascertained are:

| <u>Name</u> | <u>Age</u> | <u>Relationship</u> | <u>Residence & address</u> |
|---|--|----------------------------|---|
| <u>Mary Doe</u> | <u>Adult</u> | <u>Wife</u> | <u>Route 1, Hometown, Kansas 66648</u> |
| <u>Theodore R. Doe</u> | <u>Adult</u> | <u>Son</u> | <u>1220 Main Street, Metropolis, Kansas 66625</u> |
| <u>Robert E. Doe</u> | <u>Adult</u> | <u>Son</u> | <u>Serial No. 83927336, APO New York, N. Y. 10026, whose permanent residence is P. O. Box 238, Kaw City, Kansas 66600</u> |
| <u>Mary Ann Jones</u> | <u>16 yrs.</u> | <u>Grand- daughter</u> | <u>Dry Creek, Colorado 66875</u> |
| <u>Henry H. Doe</u> (Son of Thomas A. Doe) | <u>6 yrs.</u> | <u>Grandson</u> | <u>Crossroads, Arizona 79108</u> |
| <u>The Hometown State Bank</u> | <u>Trustee designated in decedent's Will</u> | | <u>Hometown, Kansas 66648</u> |
| <u>The Peoples Church</u> | <u>Designated legatee</u> | | <u>Hometown, Kansas 66648</u> |

11. That the names and addresses of the duly appointed legal representatives of the heirs, devisees and legatees, above named, so far as known or can with reasonable diligence be ascertained are:

| <u>Name</u> | <u>Representative Capacity</u> | <u>Address</u> |
|-------------|--------------------------------|----------------|
| | (NONE) | |

12. That the general character and probable value of decedent's Estate are:

Real estate of the estimated value of \$50,000 with probable annual income of \$5,000 .

Personal property of the estimated value of \$50,000 .

13. That the appointment of an Executrix is necessary for the collection, conservation and administration of the Estate; that Mary Doe a resident of Kansas, whose residence and address is Route 1, Hometown, Kansas 66648 , is a suitable and competent person to be granted Letters Testamentary, without bond , as provided by said Last Will and Testament.

WHEREFORE, the Petitioner prays that the instrument offered herewith be admitted to probate and record as the Last Will and Testament of the decedent; that Letters Testamentary be granted to her to serve without bond and that the "Consent of Spouse" filed herein be determined a valid consent.

MARY DOE

Petitioner

STATE OF KANSAS
COUNTY OF APACHE

} ss:

Mary Doe , of lawful age, being first duly sworn, upon her oath states:

That she is the Petitioner above named; that she has read the above Petition for Probate of Will and Issuance of Letters Testamentary; that she knows the content thereof, and that all the statements therein made are true.

MARY DOE

SUBSCRIBED AND SWORN TO before me this 10th day of July , 19 72 .

NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:

January 10, 1974

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-501; 59-504; 59-505; 59-506; 59-507; 59-508; 59-509; 59-511; 59-603; 59-616; 59-617; 59-619; 59-704; 59-706; 59-1101; 59-1104; 59-2103; 59-2201; 59-2202; 59-2203; 59-2204; 59-2219; 59-2220; 59-2221; 59-2223; 59-2225.

Time: The Petition must be filed within nine months after the death of the testator.

Comment: The Petition should recite the names, ages, relationships and addresses of all heirs, devisees and legatees, irrespective of their entitlement to benefits, so far as known or with reasonable diligence can be ascertained. See *In Re Barnes*, 212 Kan. 502.

Paragraph 9 and the last portion of the prayer is applicable only when a consent is filed with the Will. The validity of a consent may be determined later, but where the witnesses to the Will and to the consent are the same, it is usually more convenient to make the determination at the hearing. If the validity of a consent is to be determined, a proper notice is required along with an appropriate allegation and prayer in the Petition.

If the Petitioner is a corporation, see Form No. 128, for a form of corporate verification.

(104)

(CAPTION)

Order for Hearing

Now on this 10th day of July, 19 72, the Court finds that the Petition for Probate of Will and Issuance of Letters Testamentary filed by Mary Doe, should be heard on the 4th day of August, 19 72, at ten o'clock A. M. in this Court and that notice of the time and place of hearing be given pursuant to K. S. A. 59-2209.

IT IS SO ORDERED.

A. L. MANN

Probate Judge

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-2204; 59-2208; 59-2209; 59-2222; 59-2223.

Time: When the Petition is filed. The Notice of Hearing shall be published once a week for three consecutive weeks with the first publication within ten days of the Order for Hearing. The date set for hearing shall not be earlier than seven days nor later than 14 days after the last publication of Notice.

Comment: Notice by publication is required by K. S. A. 59-2222, unless waived pursuant to K. S. A. 59-2223, or unless otherwise ordered by the Court pursuant to K. S. A. 59-2208. If formal notice is waived, see Form No. 202 and No. 203 for appropriate forms.

(105)

First published in the Metropolis Herald , Tuesday , the 11th day of July , 19 72 .

(CAPTION)

Notice of Hearing

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by Mary Doe , an heir , devisee and legatee , and Executrix named in the Last Will and Testament of John Doe , deceased, dated April 15 , 19 70 , praying that the Will filed with the Petition be admitted to probate and record; that she be appointed as Executrix without bond; that she be granted Letters Testamentary, and that the "Consent of Spouse," filed herein, be determined a valid consent.

You are required to file your written defenses thereto on or before the 4th day of August , 19 72 , 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 the Petition.

MARY DOE

Petitioner

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Tuesdays commencing the 11th day of July , 19 72 . Immediately after the first publication, please forward _____ copies of the above and foregoing Notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas . Immediately after the third publication, make your proof of publication to the Probate Court, Courthouse, with copy to this office.

Reference: K. S. A. 59-603; 59-2208; 59-2209; 59-2210; 59-2222; 59-2223; 59-2225; 59-2233.

Time: The Notice of Hearing shall be published once a week for three consecutive weeks with the first publication within ten days of the Order for Hearing.

Comment: The validity of a consent may be determined later, but where the witnesses to the Will and to the consent are the same, it is usually more convenient to make the determination at the hearing. If the validity of a consent is to be determined, a proper notice is required along with an appropriate allegation and prayer in the Petition.

(106)

(CAPTION)

Petition for Appointment of Guardian Ad Litem

COMES NOW Mary Doe and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 1, Hometown, Kansas 66648 .

2. That the Petitioner has an interest in decedent's Estate as an heir, devisee and legatee , and as Executrix named in the Last Will and Testament of John Doe , deceased, dated April 15 , 19 70 .

3. That Mary Ann Jones , now residing at Dry Creek , Colorado 66875 , is the minor child of Mary Doe Jones, a prior deceased daughter of the decedent, being sixteen years of age , and has an interest in decedent's Estate as an heir at law of the decedent and as a legatee named in decedent's Last Will and Testament .

4. That Henry H. Doe , now residing at Crossroads , Arizona 79108 , is the minor child of Henry H. Doe, being six years of age , and has an interest in decedent's Estate as designated beneficiary of a testamentary trust provided by decedent's Last Will and Testament .

5. That neither of the minors has a legally appointed Conservator.

6. That a Guardian ad litem should be appointed for the minors throughout all proceedings had in the administration of decedent's Estate.

WHEREFORE, Petitioner prays that the Court appoint a Guardian ad litem to represent and defend Mary Ann Jones and Henry H. Doe throughout all proceedings had in the administration of decedent's Estate.

MARY DOE

Petitioner

(VERIFICATION)

(See Form No. 103 for verification)

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-2201; 59-2202; 59-2205.

Time: The Petition may be filed at anytime prior to the hearing.

Comment: When any legal disability exists, the appointment of a Guardian ad litem is discretionary; unnecessary in merely formal matters. If a contest is imminent or substantial rights are affected, one should be appointed. When a Guardian ad litem is appointed in a decedent's Estate, it is usually desirable to have the appointment cover all further proceedings in the Estate and to give the Guardian ad litem notice of all proceedings thereafter.

The Petition for Appointment of Guardian Ad Litem and the Petition for Appointment of Attorney pursuant to Soldiers' and Sailors' Civil Relief Act may be combined. Likewise, Orders for Hearing, Orders Appointing and Written Defenses may be combined.

(107)

(CAPTION)

Order for Hearing

Now on this 10th day of July, 19 72, the Court finds that the Petition for Appointment of Guardian Ad Litem filed by Mary Doe, should be set for immediate hearing, and that notice of the time and place of hearing by publication or otherwise is not necessary or required by law.

IT IS SO ORDERED.

A. L. MANN

Probate Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-2204; 59-2208.

Time: The Petition must be set for hearing, but may be heard immediately, unless the Court requires notice.

Comment: This Order and the Order for Hearing, on Petition for Appointment of Attorney to Represent Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act may be combined. Likewise, Petitions for Appointment, Orders Appointing and Written Defenses may be combined.

(108)

(CAPTION)

Order Appointing Guardian Ad Litem

Now on this 10th day of July, 19 72, comes on for hearing the Petition for Appointment of Guardian ad litem for minors having an interest in decedent's Estate.

Petitioner appears by her attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That notice of the time and place of hearing is not necessary or required by law.

2. That the allegations of the Petition are true.

3. That Mary Ann Jones and Henry H. Doe are minors and have interests in decedent's Estate.

4. That neither of the minors has a legally appointed Conservator.
5. That a Guardian ad litem should be appointed for the minors through out all proceedings had in the administration of decedent's Estate.
6. That M. R. Docket , attorney, Metropolis , Kansas, is a suitable person to be appointed Guardian ad litem.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of this Court.

(B) That M. R. Docket be and he is hereby appointed Guardian at litem for the above named minors throughout all proceedings had in the administration of decedent's Estate.

A. L. MANN

Probate Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-2205.

Time: The Order will be granted whenever facts sufficient to justify appointment are brought to the attention of the Court.

Comment: The appointment of a Guardian Ad Litem is discretionary; unnecessary in merely formal matters. If a contest is imminent or substantial rights are affected, one should be appointed. When a Guardian ad litem is appointed in a decedent's estate, it is usually desirable to have the appointment cover all further proceedings in the estate and to give the Guardian ad litem notice of all proceedings thereafter.

The Order Appointing Guardian Ad Litem and the Order Appointing Attorney to Represent Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act may be combined. Likewise, Petitions for Appointment, Orders for Hearing and Written Defenses may be combined.

(109)

(CAPTION)

Written Defenses of Guardian Ad Litem

COMES NOW M. R. Docket , Guardian ad litem for Mary Ann Jones and Henry H. Doe , minors , and for his defense on behalf of the minors to the Petition for Probate of Will and Issuance of Letters Testamentary, denies each,

every, all and singular, the allegations of the Petition which are adverse to the interests of the minors .

M. R. DOCKET

Guardian At Litem

Reference: K. S. A. 59-2205.

Time: At or before the hearing upon the Petition.

Comment: The Written Defense of the Guardian Ad Litem and the Written Defense of the Attorney Representing Interests of Serviceman pursuant to Soldiers' and Sailors' Civil Relief Act may be combined. Likewise, Petitions for Appointment, Orders for Hearing and Orders Appointing may be combined.

(110)

(CAPTION)

Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act

STATE OF KANSAS
COUNTY OF APACHE } ss:

I, Mary Doe , being first duly sworn, on my oath, state:

That no person interested as an heir, devisee and legatee in the Estate of John Doe , deceased, is now or has been, within any of the limitations of time specified therein, a member of any branch of the service of the United States or its allies, within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

MARY DOE

SUBSCRIBED AND SWORN TO before me this 10th day of July , 19 72 .

NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:

January 10, 1974

Reference: Soldiers' and Sailors' Civil Relief Act of 1940, 50 U. S. C. A. App. Sec. 501; *et seq.*; Military Selective Service Act of 1967, 50 U. S. C. A. App. Sec. 464.

Comment: This Affidavit should be filed on the date of the hearing if, at that time, the averments are correct. If not, see Form No. 111, Petition for Appointment of an Attorney pursuant to Soldiers' and Sailors' Civil Relief Act, or Petition for Appointment of Attorney to Represent Unknown Persons in Service pursuant to Soldiers' and Sailors' Civil Relief Act.

(111)

(CAPTION)

Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act

COMES NOW Mary Doe by her attorneys, Pleader, Pleader & Tryor , and alleges:

1. That Robert E. Doe , an heir at law and legatee named in the Last Will and Testament of the decedent, is the only person interested in the decedent's Estate, who is currently in the service of the United States or its allies, within any of the limitations of time specified therein, within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

2. That an attorney should be appointed to represent him throughout all proceedings had in the administration of the decedent's Estate, so long as he remains in the service of the United States or its allies, within the purview of the above Act.

or

Petition for Appointment of Attorney to Represent Unknown Persons in Service Pursuant to the Soldiers' and Sailors' Civil Relief Act

COMES NOW Mary Doe by her attorneys, Pleader, Pleader & Tryor , and alleges:

1. That Petitioner, after diligent investigation, is unable to ascertain if any heir, devisee or legatee of the decedent is currently in the service of the United States or its allies, within any of the limitations of time specified therein, within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

2. That an attorney should be appointed to represent any unknown persons in such service interested in the Estate of the decedent throughout all proceedings had in the administration of this Estate.

WHEREFORE, Petitioner prays that an attorney be appointed to represent the interests of (Robert E. Doe) (any unknown persons in such service) throughout all proceedings had in the administration of decedent's Estate.

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

Attorneys for Petitioner

(VERIFICATION)

(See Form No. 103 for Verification)

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Petitioner

Reference: K. S. A. 59-2201; Soldiers' and Sailors' Civil Relief Act of 1940, 50 U. S. C. A. App. Sec. 501, *et seq.*; Military Selective Service Act of 1967, 50 U. S. C. A. App. Sec. 464.

Time: Whenever facts sufficient to justify the Appointment are brought to the attention of the Court.

Comment: This Petition is required if interested persons are known to be in the service, or in the alternative, if it is unknown whether any interested persons are in the service.

The allegations of this Petition are controlled by the Soldiers' and Sailors' Civil Relief Act of 1940, and not by the Probate Code.

If no interested party is in the service, an Affidavit Pursuant to the Soldiers' and Sailors' Civil Relief Act is required. See Form No. 110.

This Petition and the Petition for Appointment of Guardian Ad Litem may be combined. Likewise, Petitions for Appointment, Orders for Hearing and Written Defenses may be combined.

(112)

Order for Hearing

See Form 107 as to; (1) Form,
(2) Reference,
(3) Time, and
(4) Comment.

(113)

(CAPTION)

**Order Appointing Attorney to Represent Interests of Serviceman
Pursuant to Soldiers' and Sailors' Civil Relief Act**

Now on this 10th day of July, 19 72, comes on for hearing the Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act.

Petitioner appears by her attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That notice of the time and place of hearing is not necessary or required by law.
2. That the allegations of the Petition are true.
3. That Robert E. Doe, an heir and legatee named in the Last Will and Testament of the decedent, is the only person interested in the decedent's Estate, who is currently in the service of the United States or its allies, within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.
4. That an attorney should be appointed to represent him throughout all proceedings had in the administration of the decedent's Estate, so long as he remains in the service of the United States or its allies, within the purview of the above Act.

5. That U. B. Brief , attorney, Metropolis , Kansas 66625 , is a suitable person to be appointed as such attorney.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That U. B. Brief , be and he is hereby appointed Attorney to represent the interests of Robert E. Doe , throughout all proceedings had in the administration of decedent's Estate, so long as he remains in the service of the United States or its allies, within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

A. L. MANN

Probate Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: Soldiers' and Sailors' Civil Relief Act of 1940, 50 U. S. C. A. App. Sec. 501; *et seq.*; Military Selective Service Act of 1967, 50 U. S. C. A. App. Sec. 464.

Time: Whenever facts sufficient to justify the Appointment are brought to the attention of the Court.

Comment: If the Petition is for the appointment of an attorney to represent unknown persons in such service, the Order should recite, as the Courts findings, the allegations in paragraphs one and two in the last portion of Form No. 111. The Order Appointing should confirm these findings.

If no interested party is in the service an Affidavit is required pursuant to Soldiers' and Sailors' Civil Relief Act of 1940. See Form No. 110.

This Order and the Order for Appointment of Guardian Ad Litem may be combined. Likewise, Petitions for Appointment, Orders for Hearing and Written Defenses may be combined.

(114)

(CAPTION)

**Written Defenses of Attorney Representing Interests of Servicemen
Pursuant to Soldiers' and Sailors' Civil Relief Act**

COMES NOW U. B. Brief , Attorney for (Robert E. Doe, Currently in the service) (any unknown persons in the service) , within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for defense to the Peti-

tion for Probate of Will and Issuance of Letters Testamentary , denies each, every, all and singular, the allegations of the Petition which are adverse to the interests of (Robert E. Doe) (any unknown person in the service) .

U. B. BRIEF

Attorney for Robert E. Doe

Time: At or before the hearing upon the Petition.

(115)

(CAPTION)

Affidavit of Service

STATE OF KANSAS
COUNTY OF APACHE

} ss:

W. B. Pleader , of lawful age, being first duly sworn, on his oath, states:
That he is one of the attorneys for the Petitioner , that he served a copy of the attached notice by depositing the same in the United States Mail, postage prepaid, on the 16th day of July , 19 72 , and within seven days after the first publication of notice, addressed to each of the following persons:

Name

Address

(List each heir, devisee and legatee or guardian and ward or conservator and conservatee or guardian ad litem, as the case may be, whose name and address is known.)

(See Comment)

such persons being all the heirs, devisees and legatees of John Doe , deceased, all guardians and conservators thereof, and guardians ad litem, whose names and addresses are known to the Petitioner or to this affiant.

FURTHER AFFIANT SAITH NOT.

SUBSCRIBED AND SWORN TO before me this 20th day of July , 19 72 .
W. B. PLEADER
NEVA WRIGHT
Notary Public

(SEAL)

My Commission Expires:

January 10, 1974

Reference: K. S. A. 59-2209; 59-2211.

Time: The affidavit of Service must be filed on or before the date of the hearing.

Comment: The Notice must be mailed to all persons interested within seven days of the first publication of the notice. Copy of Notice should be attached to the Affidavit of Service.

This form is intended to comply with *In Re Barnes*, 212 Kan. 502.

(116)

(CAPTION)

**Petition for Issuance of Commission to Take Deposition of
Subscribing Witness**

COMES NOW Mary Doe by her attorneys, Pleader, Pleader & Tryor ,
and alleges:

1. That G. O. Back , one of the subscribing witnesses to the decedent's
Last Will and Testament and "Consent of Spouse" , is a non-resident of this
county and state; that he currently resides in Frontier County , Wyoming ,
and his address is Route 1, Rock Ledge, Wyoming 98440 .

2. That the attendance and testimony of the witness cannot be secured in
this county.

WHEREFORE, Petitioner prays for the issuance of a Commission to a quali-
fied officer to take the testimony of the witness by deposition.

PLEADER, PLEADER & TRYOR
BY W. B. PLEADER
Attorneys for Petitioner

(VERIFICATION)

(See Form No. 103 for verification)

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Petitioner

Reference: K. S. A. 59-302 (3); 59-2202; 59-2212; 59-2224.

Time: This Petition should be filed after the Petition for Probate of Will and
Issuance of Letters Testamentary, allowing ample time for the deposition
to be taken and returned before the hearing.

Comment: This form should not be used when local witnesses are available
who can testify to the testators handwriting or when a Will contest is
imminent. If a contest develops at the time of the hearing, the Court
should continue the matter, if requested by counsel, until opposing parties
have had an opportunity to cross-examine witnesses.

(117)

Order for Hearing

See Form No. 107, as to; (1) Form,
(2) Reference,
(3) Time, and
(4) Comment.

(118)

(CAPTION)

Order for Issuance of Commission and Commission to Take Deposition

Now on this 11th day of July, 19 72, comes on for hearing the Petition for Issuance of Commission to Take Deposition of Subscribing Witness, G. O. Back.

The Petitioner appears by her attorneys, Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That notice of the time and place of hearing is not necessary or required by law.

2. That the allegations of the Petition are true.

3. That G. O. Back, one of the subscribing witnesses to the Last Will and Testament of John Doe, deceased, and also to the "Consent of Spouse" thereto, is a nonresident, whose attendance and testimony cannot be secured in this county.

4. That G. O. Back now resides at Route 1, Rock Ledge, Frontier County, Wyoming 98440.

5. That it is necessary to procure the testimony of the subscribing witness outside this county and that a Commission be issued to some qualified person for that purpose.

6. That F. F. Hatfield, Probate Judge of Frontier County, Wyoming, is a qualified officer of that county and state and is a proper person to be issued such Commission.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That a Commission be issued to F. F. Hatfield, Probate Judge of Frontier County, Wyoming, to take the deposition of G. O. Back, a subscribing witness to the Last Will and Testament of John Doe, deceased, and also to the "Consent of Spouse" thereto, by written questions transmitted with the Commission.

A. L. MANN

Probate Judge

(SEAL)

Commission to Take Deposition

To: F. F. HATFIELD, PROBATE JUDGE OF FRONTIER COUNTY, WYOMING, COURTHOUSE, ROCK LEDGE, WYOMING 98440 :

You are hereby appointed Commissioner of this Court to take the deposition of G. O. Back, who resides at Route 1, Rock Ledge, Frontier County, Wyoming 98440, at a time and place to be designated by you.

You will cause the witness to come before you at the designated time and place to be sworn or affirmed to testify the truth, the whole truth, and nothing but the truth; exhibit to the witness the photocopy of the Last Will and Testament and of the "Consent of Spouse" attached to this Commission; propound to the witness the written questions transmitted herewith; reduce his answers to

writing and submit them to the witness for his verification and signature.

Immediately thereafter and prior to August 2, 1972 , you shall return by United States Mail the deposition signed by the witness, certified by you, together with this Commission, the attached photocopy of the Last Will and Testament and the "Consent of Spouse" , to: A. L. Mann, Probate Judge, Courthouse, Metropolis, Apache County, Kansas 66625 .

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of this Court at Metropolis , in this county and state, the 11th day of July , 19 72 .

A. L. MANN

Probate Judge

(SEAL)

Written Questions Propounded to Subscribing Witness

No. 1: What is your name?

Answer: G. O. Back .

No. 2: Where do you reside?

Answer: Route 1, Rock Ledge, Wyoming .

No. 3: What is your occupation?

Answer: I am a rancher .

No. 4: Please examine the photocopy of the instrument dated April 15, 1970 , with the heading: "Last Will and Testament of John Doe ." Did you sign your name as a witness on Page 4 of the original document, of which this is a photocopy?

Answer: Yes .

No. 5: Did John Doe sign the original of this document and declare it to be his Last Will and Testament in your presence and in the presence of the other witnesses whose names appear thereon?

Answer: Yes, he did .

No. 6: Did you and the other witnesses, Carrie Back and I. S. Gone , sign your names as witnesses to the Last Will and Testament of John Doe ?

Answer: Yes .

No. 7: At that time, was John Doe of sound mind?

Answer: He was .

No. 8: Did he know the names and relationship of his family and natural heirs, and their claims upon his bounty?

Answer: Yes, he did .

No. 9: Was he under any restraint of any kind?

Answer: None whatsoever .

No. 10: Did he possess rights of majority at the time of the making of this instrument?

Answer: Yes, he did .

No. 11: At that time, did John Doe know what property he owned, and its nature and extent?

Answer: Yes .

No. 12: Please examine the photocopy of the instrument entitled "Consent of Spouse." Did you sign your name as a witness to the signature of Mary Doe on the last page of the original document, of which this is a photocopy?

Answer: Yes .

No. 13: Did Mary Doe sign the original of this instrument entitled "Consent of Spouse" and declare it to be her voluntary act, in your presence, and in the presence of the other witnesses whose names appear thereon?

Answer: Yes, she did .

No. 14: At that time, was Mary Doe of sound mind?

Answer: She was .

No. 15: At that time, when Mary Doe signed the "Consent of Spouse" to the Last Will and Testament of her husband, John Doe , did she know what property was owned by her husband and its nature and extent?

Answer: Yes .

No. 16: Did you and the other witnesses, Carrie Back and I. S. Gone , sign your names as witnesses to the "Consent of Spouse" of Mary Doe , in her sight and presence and in the sight and presence of each other?

Answer: Yes .

No. 17: Did this all take place on the date mentioned in the Last Will and Testament, April 15, 1970 ?

Answer: Yes, it did . I remember that it was the day before we moved, on April 16th .

I have read my answers to the above questions and they are correctly recorded.

G. O. BACK

IN WITNESS WHEREOF, I have set my hand and affixed the seal of this Court, in Rock Ledge , in Frontier County , in the State of Wyoming , the 2nd day of August , 19 72 .

F. F. HATFIELD

*Probate Judge
County Courthouse
Frontier County, Wyoming*

(SEAL)

Commissioner's Certificate to Deposition

STATE OF WYOMING }
COUNTY OF FRONTIER } ss:

I, F. F. Hatfield, Probate Judge of Frontier County, Wyoming , a Commissioner appointed by the Probate Court of Apache County, Kansas, under the annexed Commission to Take Deposition, certify that I took the deposition of G. O. Back , when he appeared before me at my office in Rock Ledge Wyoming , on the 2nd day of August , 19 72 , where I placed him under oath to tell the truth, the whole truth, and nothing by the truth; exhibited to him the photocopy of the Last Will and Testament of John Doe , and of the "Consent of Spouse" transmitted with the Commission; propounded to the witness each of the questions annexed to the Commission; reduced his answers to writing; submitted the same to the witness for his inspection; received the same from him verified, approved, signed and sworn to before me in accordance with the Commission.

I do now return the Commission together with the photocopy of the Last Will and Testament and of the "Consent of Spouse" , and the verified questions signed by the witness.

Further, I certify that I am not a relative or attorney of any party to these proceedings or otherwise interested therein.

F. F. HATFIELD

Probate Judge
County Courthouse
Frontier County, Wyoming

(SEAL)

Fees:

| | |
|--------------------------|----------|
| Commissioners fees | \$ _____ |
| Witness fee | \$ _____ |
| Mileage | \$ _____ |

APPROVED:

PLEADER, PLEADER & TRYOR

By W. B. PLEADER

The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Petitioner

Reference: K. S. A. 59-302 (3); 59-601; 59-606; 59-2208; 59-2212; 59-2224.

Time: Allow ample time for the deposition to be taken and returned before the hearing.

Comment: This form should not be used when local witnesses are available who can testify to the testators handwriting or when a Will contest is imminent. If a contest develops at the time of the hearing, the Court should continue the matter, if requested by counsel, until opposing parties have had an opportunity to cross-examine witnesses.

If the spouse has consented to the Will, the questions should relate to both testator and spouse.

Although the original Will may be transmitted with the Commission, it is safer to transmit a photocopy of the Will.

(119)

Affidavit of Publication

STATE OF KANSAS }
COUNTY OF APACHE } ss:

Horace Greeley , being first duly sworn, deposes and says:

That Horace Greeley is the owner and publisher of Metropolis Herald , a daily Newspaper printed in the State of Kansas, and published in and of general circulation in Apache County, Kansas, with a general paid circulation on a daily basis in Apache County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice;

and has been admitted at the post office of Metropolis in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for three consecutive weeks, the first publication thereof being made as aforesaid on the 11th day of July, 19 72, with subsequent publications being made on the following dates:

| | | | |
|----------------|----------------|----------------|----------------|
| <u>July 18</u> | , 19 <u>72</u> | <u>July 25</u> | , 19 <u>72</u> |
| _____ | , 19 _____ | _____ | , 19 _____ |
| _____ | , 19 _____ | _____ | , 19 _____ |

HORACE GREELEY

SUBSCRIBED AND SWORN TO before me this 25th day of July, 19 72.
HELEN H. WATERS
Notary Public

(SEAL)

My Commission Expires: July 1, 1973
 Printer's fee \$ 15.00
 Additional copies \$ _____

Reference: K. S. A. 59-2209; 59-2211; 59-2222; 64-101.

Time: The Proof of Publication must be filed before the hearing.

Comment: The Proof of Publication by Affidavit of the Publisher should contain the dates of publication and a copy of the published notice.

(120)

(CAPTION)

Order Admitting Will to Probate

Now on this 4th day of August, 19 72, comes on for hearing the Petition for Probate of Will, filed herein by Mary Doe.

The Petitioner appears in person and by her attorneys Pleader, Pleader & Tryor, Robert E. Doe, a serviceman as defined by the Soldiers' and Sailors' Civil Relief Act, appears by his attorney U. B. Brief, Mary Ann Jones and Henry H. Doe, minors, appear by their Guardian ad litem M. R. Docket, Theodore R. Doe appears in person. The Hometown State Bank appears by its Attorney D. O. Cash. The Peoples Church appears by its attorney I. M. Good. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, devisees and legatees, and notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed herein and is hereby approved.
2. That the allegations of the Petition are true.

3. That John Doe died testate at Hometown, Kansas on the 3rd day of July, 19 72, that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States.

4. That the capacity of the testator and the due execution of the Will are proved in accordance with K. S. A. 59-2224; that the instrument dated April 15, 1970, and filed with the Petition, is the Last Will and Testament of John Doe, deceased; that at the time of the execution of the Last Will and Testament, the decedent was of legal age, of sound mind and not under any restraint; that the Last Will and Testament was in full force and effect at the date of death of the decedent, and that the Last Will and Testament should be admitted to probate and record.

5. That Mary Doe, the Petitioner, was the wife of the decedent at the time the decedent executed his Last Will and Testament.

6. That Mary Doe is named as Executrix in the Last Will and Testament, and is a suitable and competent person to be granted Letters Testamentary, without bond, in accordance with the directions of decedent's Last Will and Testament.

7. That Mary Doe executed her consent in writing to the Last Will and Testament of the decedent, as it appears on and as part of the original document and as restated and affirmed by her testimony given in open Court on the date hereof.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the instrument, dated April 15, 19 70, and filed with the Petition, be and is hereby adjudged to be the Last Will and Testament of John Doe, deceased, and that it be and is hereby admitted to probate and record.

(C) That the "Consent of Spouse," dated April 15, 1970, executed by Mary Doe be and is hereby adjudged to be a valid and binding consent.

(D) That Mary Doe be and is hereby appointed Executrix of the Last Will and Testament of John Doe, deceased, to serve without bond, and that upon the filing of her oath, Letters Testamentary be granted to her.

A. L. MANN

Probate Judge

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

U. B. BRIEF

U. B. Brief

Metropolis, Kansas 66625

Attorney for Robert E. Doe

M. R. DOCKET

M. R. Docket
Metropolis, Kansas 66624
Guardian ad litem for Mary Ann
Jones and Henry H. Doe, minors
I. M. GOOD

I. M. Good
Hometown, Kansas 66648
Attorney for the Peoples Church
D. O. CASH

D. O. Cash
The Hometown State Bank Bldg.
Hometown, Kansas 66648
Attorney for the Hometown State Bank

Reference: K. S. A. 59-1101; 59-1104; 59-2224; 59-2227.

Time: The Order Admitting Will to Probate will be entered on the date fixed in the Order for Hearing, or upon adjournment thereof.

Comment: The Court must determine the form and the amount of the bond where the will makes no provision for the Executor to serve without bond, or bond is required by the Court.

Paragraph 1 of the findings is intended to comply with *In Re Barnes*, 212 Kan. 502.

(121)

(CAPTION)

Certificate

STATE OF KANSAS }
COUNTY OF APACHE } ss:

I, A. L. Mann, Probate Judge of Apache County, Kansas, do hereby certify that a certified copy of the Last Will and Testament of the above named decedent, and a copy of Sections 59-603 and 59-2233 of Kansas Statutes Annotated, as amended, were transmitted by United States mail by this Court to Mary Doe, Route 1, Hometown, Kansas 66648, surviving spouse of decedent, on the 4th day of August, 19 72, in accordance with law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Court this 4th day of August, 19 72.

A. L. MANN

Probate Judge

(SEAL)

Reference: K. S. A. 59-603; 59-2233.

(122)

(CAPTION)

Oath of EXECUTRIX

STATE OF KANSAS }
 COUNTY OF APACHE } ss:

I, Mary Doe , do solemnly swear that I will faithfully, impartially, and to the best of my ability, discharge all of the duties of my trust according to law as Executrix of the Last Will and Testament 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 the State of Kansas.

MARY DOE

SUBSCRIBED AND SWORN TO before me this 4th day of August ,
 19 72 .

A. L. MANN

Probate Judge

(SEAL)

Reference: K. S. A. 59-1702; 59-2227.

Time: The Oath must be filed within ten days after the Appointment of the Executor.

Comment: The Oath should conform to the statutory requirements.

(123)

Bond

NOTE: In the Estate of John Doe, bond was excused in accordance with the direction and request of the decedent's Last Will and Testament. When bond is required, follow generally Form No. 5 in the Special Administration Series. If a commercial surety bond is required, follow generally Form No. 206 in the Intestate Administration Series.

(124)

(CAPTION)

Letters Testamentary

KNOWN ALL MEN BY THESE PRESENTS:

That Mary Doe , a resident of Hometown, Apache County, Kansas, named as Executrix of the Last Will and Testament of John Doe , deceased, having been appointed and qualified as Executrix , is hereby granted Letters Testamentary in the Estate, with full power and authority as provided by law and the Last Will and Testament.

IN WITNESS WHEREOF, I, A. L. Mann , Probate Judge of this county and state, have subscribed my name and affixed the seal of this Court at Metropolis , in the said county and state, this 4th day of August , 19 72 .

A. L. MANN

Probate Judge

(SEAL)

Pleader, Pleader & Tryor
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Executrix

Reference: K. S. A. 59-701; 59-706; 59-2227.

Time: Upon the filing of the Oath and Bond, Letters Testamentary shall be granted.

(125)

First published in the Metropolis Herald , Friday , the 11th day of August , 19 72 .

(CAPTION)

Notice of Appointment of EXECUTRIX

TO THE CREDITORS, HEIRS, DEVISEES AND LEGATEES OF JOHN DOE , DeCEASED, AND ALL OTHERS CONCERNED:

You and each of you will take notice that on the 4th day of August , 19 72 , Mary Doe was appointed Executrix of the Estate of John Doe , deceased, qualified as such, and Letters Testamentary were granted to her on August 4, 1972 , by the Probate Court of Apache County, Kansas.

All parties interested in the Estate will take notice and govern themselves accordingly. All creditors are notified to exhibit their demands against the Estate within six months from the date of the first publication of this notice, as provided by law, and if their demands are not thus exhibited, they shall be forever barred.

MARY DOE

Executrix

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Executrix

To THE PUBLISHER: Please publish for three consecutive Fridays commencing the 11th day of August, 19 72. Immediately after the first publication, please forward copies of the above and foregoing Notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas. Immediately after the third publication, make your proof of publication to the Probate Court, Courthouse, with copy to this office.

Reference: K. S. A. 59-709; 59-2236.

Time: The Notice shall be published for three consecutive weeks beginning within ten days after the qualification of the Executor.

Comment: The non-claim statute for creditors begins to run with first publication of the Notice. Notice by mail to creditors is not required.

For Affidavit of Publisher, see Form No. 119.

(126)

(CAPTION)

Inventory and Appraisalment

Inventory of all property of the types and classifications of real and personal property located within the State of Kansas, and intangible personal property, wheresoever located, owned by John Doe, deceased, together with all other property of the decedent not subject to administration in this proceeding but which is required to be reported for Federal Estate and Kansas inheritance tax purposes, made and returned by Mary Doe, Executrix of the Estate of John Doe, deceased, as of July 3, 1972, the date of the death of the decedent:

Schedule "A"

Real Estate

| <i>Item No.</i> | <i>Description</i> | <i>Value at Date of Death</i> |
|-----------------|--|-------------------------------|
| 1. | The residence of the decedent located on the Northeast quarter of Section 26, Township 20, South, Range 30, West of the 6th P. M., containing 160 acres, more or less, Apache County, Kansas | <u>\$35,000.00</u> |
| 2. | The Northeast quarter of the Northeast quarter of Section 10, Township 20, South, Range 30, West of the 6th P. M., Apache County, Kansas, containing 40 acres, more or less, together with all improvements situated thereon | <u>\$15,000.00</u> |
| | Total Schedule "A" | <u>\$50,000.00</u> |

Schedule "B"

Stocks and Bonds

(Corporate Stock)

| <i>Item No.</i> | <i>Description</i> | <i>Unit Value</i> | <i>Value at Date of Death</i> |
|-----------------|---|-------------------|-------------------------------|
| 1. | 25 shares common stock, Kansas Power & Light, Certificate No. 508 | \$20 per share | <u>\$500.00</u> |

(Bonds)

| <i>Item No.</i> | <i>Serial No.</i> | <i>Date of Purchase</i> | <i>Value at Maturity</i> | <i>Value at Date of Death</i> |
|-----------------------------|-------------------|-------------------------|--------------------------|-------------------------------|
| United States Savings Bonds | | | | |
| 1. | D83353940H | October 1, 1965 | \$5,000 | <u>\$5,000.00</u> |
| 2. | D46253184E | June 1, 1965 | \$1,000 | <u>\$906.80</u> |
| 3. | D46253185E | June 1, 1965 | \$1,000 | <u>\$906.80</u> |
| Total Schedule "B" | | | | <u>\$7,313.60</u> |

Schedule "C"

Mortgages, Notes and Cash

| <i>Item No.</i> | <i>Description</i> | <i>Value at Date of Death</i> |
|--------------------------|---|-------------------------------|
| 1. | Balance due on Promissory Note dated July 1, 1965, signed by Frank Johnston and Mary Johnston, his wife, in the original amount of \$10,000, with interest at seven percent per annum on the unpaid balance | <u>\$2,310.00</u> |
| 2. | Cash on person of decedent at time of death | <u>\$42.10</u> |
| 3. | Balance in decedent's checking account, The Hometown State Bank, Hometown, Kansas | <u>\$1,000.00</u> |
| 4. | Savings Account, The Hometown State Bank, Hometown, Kansas | <u>\$1,300.00</u> |
| Total Schedule "C" | | <u>\$4,652.10</u> |

Schedule "D"

Insurance

| <i>Item No.</i> | <i>Description</i> | <i>Value</i> |
|--------------------------|--|--------------------|
| 1. | Life Insurance Policy, Policy No. 296011, Long Life Insurance Company, Coral Gables, Florida. Named Beneficiary, Estate .. | <u>\$10,000.00</u> |
| Total Schedule "D" | | <u>\$10,000.00</u> |

Schedule "E"

Jointly Owned Property

(For Informational Purposes Only)

| <i>Item No.</i> | <i>Description</i> | <i>Value</i> |
|--------------------------|--|-------------------|
| 1. | Certificate of Deposit with The Hometown State Bank, Hometown, Kansas, Certificate No. 5600, in the name of the surviving joint tenant, Mary Doe | <u>\$2,500.00</u> |
| Total Schedule "E" | | <u>\$2,500.00</u> |

Schedule "F"

Miscellaneous Property

| <i>Item No.</i> | <i>Description</i> | <i>Value at Date of Death</i> |
|-----------------|--|-------------------------------|
| 1. | The furniture, household goods and wearing apparel situated in the home of the decedent at the time of his death | <u>\$500.00</u> |
| 2. | One 1969 Model Chevrolet 4-dr. Sedan, ID. No. 1234567890 .. | <u>\$2,750.00</u> |
| 3. | One 1968 Model Ford ½ ton pickup truck, Id. No. 0987654321 | <u>\$1,600.00</u> |
| 4. | Approximately ten tons of fertilizer | <u>\$1,500.00</u> |

| | |
|--|-------------|
| 5. Farm machinery, tools and equipment | \$9,000.00 |
| 6. Inventory of Retail Produce Business | \$1,900.00 |
| 7. Furniture, fixtures and equipment used in Retail Produce Business | \$1,000.00 |
| 8. Stamp Collection (Specifically bequeathed to Mary Ann Jones) | \$1,000.00 |
| 9. Approximately one thousand bushels of wheat | \$1,000.00 |
| 10. Annual Crops, growing | \$1,000.00 |
| Total Schedule "F" | \$21,250.00 |

Schedule "G"

| | | |
|------------------|--------------------|-------------------------------|
| Transfers | | |
| <i>Item No.</i> | <i>Description</i> | <i>Value at Date of Death</i> |
| (None) | | |

Recapitulation

| | | | |
|------------|---------------------------------|---------------------------|-----------------------|
| | | <i>Non-probate Assets</i> | <i>Probate Assets</i> |
| Schedule A | Real Estate | | <u>\$50,000.00</u> |
| Schedule B | Stocks and Bonds | | <u>\$7,313.60</u> |
| Schedule C | Mortgages, Notes and Cash | | <u>\$4,652.10</u> |
| Schedule D | Insurance | | <u>\$10,000.00</u> |
| Schedule E | Jointly Owned Property | <u>\$2,500.00</u> | |
| Schedule F | Miscellaneous Property | | <u>\$21,250.00</u> |
| Schedule G | Transfers | | |
| | Total Probate Assets | | <u>\$93,215.70</u> |
| | Total Non-probate Assets | <u>\$2,500.00</u> | |
| | Total Estate | | <u>\$95,715.70</u> |

AFFIDAVIT OF EXECUTRIX

STATE OF KANSAS }
 COUNTY OF APACHE } ss:

Mary Doe , being first duly sworn, on her oath, states:

That she is the Executrix of the Estate of John Doe , deceased; that the above and foregoing is a full, true and correct inventory of all real and personal property, tangible and intangible, owned by John Doe , or in which he had an interest on the date of his death or which may be reportable or taxable for Federal Estate and Kansas inheritance tax purposes which has come into her possession or of which she has knowledge.

MARY DOE

Executrix

SUBSCRIBED AND SWORN TO before me this 11th day of August, 19 72 .

NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:
January 10, 1974

Order Appointing Appraisers

Now on this 11th day of August, 19 72, comes Mary Doe and exhibits to the Court her inventory of the property of John Doe, deceased, and the Court, after examining said inventory and being duly advised in the premises, finds:

1. That the inventory lists real estate and personal property requiring the appointment of appraisers herein.
2. That appraisers have not been appointed, and that three disinterested persons should be appointed to appraise the property reported on the inventory.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That R. E. Dealer, A. G. Broker and S. N. Neighbor be and they are hereby appointed appraisers to appraise all of the real estate and personal property owned by the decedent or in which decedent had an interest at the time of his death or which may be reportable or taxable for Federal Estate or Kansas inheritance tax purposes, all as shown by the above and foregoing Inventory, at such time and place as may be designated by Mary Doe, Executrix of the Estate of John Doe, deceased.

A. L. MANN

Probate Judge

(SEAL)

(Or)

Order Determining Appointment of Appraisers Unnecessary

Now on this 11th day of August, 19 72, comes Mary Doe and files herein her inventory of the property of John Doe, deceased, showing the value assigned by the Executrix to each item thereof; and the Court, after examining the inventory, considering the source utilized for such valuation, and being duly advised in the premises, finds:

1. That the inventory lists no real estate and no personal property, tangible or intangible, other than moneys and other obligations of the United States, and personal property whose value is capable of determination by reference to sources in regular commercial markets within the purview of K. S. A. 59-1202.
2. That none of the listed properties are of a form or nature that their values are dependent upon age, grade or appearance.
3. That no request has been filed herein by a party interested in this Estate for the appointment of appraisers.
4. That the appointment of appraisers is therefore not necessary or required by law.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the appointment of appraisers for the inventory filed herein by the Executrix on the 11th day of August, 19 72, is not necessary or required by law.

A. L. MANN

Probate Judge

(SEAL)

Certificate of Appraisers

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 of John Doe, or in which he had an interest at the time of his death, which was exhibited to us by Mary Doe, Executrix of the Estate of John Doe, deceased, as described in the above Inventory as of July 3, 1972, the date of the death of the decedent, and have set the value opposite each item in the Inventory; that we have made the appraisements honestly and impartially and to the best of our ability; and we request the allowance of appraisers' fees and expenses as follows:

| | |
|-----------------------------|---------|
| <u>R. E. Dealer</u> | \$15.00 |
| <u>A. G. Broker</u> | \$15.00 |
| <u>S. N. Neighbor</u> | \$15.00 |

R. E. DEALER

A. G. BROKER

S. N. NEIGHBOR

SUBSCRIBED AND SWORN TO before me this 16th day of August, 19 72.

NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:

January 10, 1974

Order Allowing Appraisers' Fees and Expenses

Now on this 16th day of August, 19 72, appraisers' fees and expenses are allowed as follows:

| | |
|-----------------------------|---------|
| <u>R. E. Dealer</u> | \$15.00 |
| <u>A. G. Broker</u> | \$15.00 |
| <u>S. N. Neighbor</u> | \$15.00 |

A. L. MANN

Probate Judge

Reference: K. S. A. 59-1201; 59-1206; 59-1207.

Time: The Inventory should be exhibited to the Court and the appraisers appointed within thirty days after the appointment of the Executor. The appraisalment should be made within sixty days thereafter.

Comment: The Estate of John Doe is large enough that it will require a Federal Estate Tax Return, Form No. 706. The Kansas Department of Revenue, Inheritance Tax Division, Form No. IH-12, (1968 Revision) asks that either the same information contained in the Federal Form No. 706 Schedules, or copies thereof, be furnished to the Kansas Department of Revenue. The Inventory and Appraisement has been prepared to correspond with the schedules in the Federal Estate Tax Return, Form No. 706, and the Kansas Inheritance Tax Form No. IH-12. Copies of schedules may be attached to either form, thus eliminating chances of misdescription and error in preparing separate documents containing the same information.

This form contemplates that when an appraisement is necessary the Executor will exhibit the inventory to the Court, secure the appointment of appraisers, deliver the inventory to them for their appraisement and file the completed document with the Court. When an appraisement is unnecessary, the Order Appointing Appraisers, Certificate of Appraisers, and any reference to "appraisement" in the title should be omitted.

(127)

(CAPTION)

Election to Take by Intestate Succession

I, _____, surviving spouse of _____, deceased, whose Last Will and Testament has been regularly admitted to probate by this Court, do hereby elect to take by the laws of intestate succession, in lieu of the provisions made for me by the Will.

I make this election after having received a copy of the Last Will and Testament, and after being fully advised of my rights under the law and under the Will.

IN WITNESS WHEREOF, I have subscribed my name this _____ day of _____, 19____.

STATE OF KANSAS }
 COUNTY OF _____ } ss:

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____.

Notary Public

(SEAL)

My Commission Expires:

Reference: K. S. A. 59-603; 59-2233; 59-2233a; 59-2234.

Time: If the Election is to be filed, it must be filed within four months after the Will is admitted to probate unless an extension is granted pursuant to K. S. A. 59-2233.

Comment: In the Estate of John Doe, the Election to Take by Intestate Succession is not required because Mary Doe, the surviving spouse, consented to the Will and the Consent was determined to be valid.

(128)

(CAPTION)

Petition for Allowance of Demand

COMES NOW Ritz Mortuary, Inc. by its President R. G. Mortis and alleges:

1. That Ritz Mortuary, Inc. is a duly licensed mortuary with its place of business at 101 Main Street, Hometown, Apache County, Kansas.

2. That it has a valid demand against the Estate of John Doe, as follows, to wit:

| <i>Date</i> | <i>Item</i> | <i>Amount</i> |
|---------------------|------------------------|-------------------|
| <u>July 6, 1972</u> | <u>Funeral Service</u> | <u>\$3,000.00</u> |

That the Estate is entitled to the following setoff: None

Net Balance Due: \$3,000.00

3. That said demand for funeral services should be set for hearing, allowed and classified as a first class demand.

WHEREFORE, Petitioner prays that its demand be set down for hearing, allowed in the amount above set forth and classified as a first class demand.

Ritz Mortuary, Inc.
by R. G. MORTIS, PRESIDENT
Petitioner

(VERIFICATION)

(See Form No. 103 for verification)

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Petitioner

Reference: K. S. A. 59-1301; 59-2237; 59-2239; 59-2240; 59-2241.

Time: Demands must be exhibited by filing Petition for Allowance of said Demand in the proper Probate Court within six months after the first published notice to creditors.

Comment: If Petitioner is not corporation an appropriate form of verification should be used, see Form No. 103. If demand is a demand not due pursuant to 59-2240, or a contingent demand pursuant to 59-2241, allegation thereof should be made in the Petition.

(129)

(CAPTION)

Order for Hearing

Now on this 19th day of August, 19 72, the Court finds that the Petition for Allowance of Demand filed by Ritz Mortuary, Inc., should be heard on the 5th day of September, 19 72, at ten o'clock A. M. in this Court and that notice of the time and place of said hearing be given by mail to all persons interested at least ten days prior to the date of such hearing.

IT IS SO ORDERED.

A. L. MANN

Probate Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Executrix

Reference: K. S. A. 59-2208; 59-2237.*Time:* When the Petition is sought to be filed.*Comment:* Notice is discretionary with the Court and exercisable pursuant to K. S. A. 59-2208.

(130)

(CAPTION)

Notice of Hearing

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by Ritz Mortuary, Inc., a duly licensed mortuary with its place of business at 101 Main Street, Hometown, Apache County, Kansas, praying that its demand for funeral services in the amount of \$3,000 be allowed and classified as a first class demand.

You are required to file your written defenses thereto on or before the 5th day of September, 19 72, 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 the petition.

MARY DOE

Executrix

PLEADER, PLEADER & TRYOR
 The Hometown State Bank Building
 Hometown, Kansas 66648
 Attorneys for Executrix

Reference: K. S. A. 59-2208; 59-2210.

(131)

(CAPTION)

Affidavit of Service

STATE OF KANSAS
 COUNTY OF APACHE

} ss:

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

That he is one of the attorneys for the Executrix; that he served a copy of the attached Notice by depositing the same in the United States Mail, postage prepaid, on the 19th day of August, 19 72, and at least ten days prior to the date of said hearing, addressed to each of the following persons:

| | |
|------|---------|
| Name | Address |
|------|---------|

(List the names and addresses of all persons interested) being all persons who have any interest in the proceeding, whose names and addresses are known to the Petitioner or to this affiant.

FURTHER AFFIANT SAITH NOT.

W. B. PLEADER

SUBSCRIBED AND SWORN TO before me this 19th day of August, 19 72.

NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:

January 10, 1974

Reference: K. S. A. 59-2208; 59-2211.

Time: The Affidavit of Service must be filed on or before the date of the hearing.

Comment: If the Court orders Notice to be given by personal service the Affidavit of Service shall so reflect.

(132)

(CAPTION)

Order on Demand

Now on this 5th day of September, 19 72, comes on for hearing the Petition for Allowance of Demand hereinafter set out.

Ritz Mortuary, Inc., appears by its attorney C. D. Graves. Mary Doe, Executrix, appears by her attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed herein and is hereby approved.

2. That the allegations of the Petition are true.

3. That the Petitioner's demand should be adjudicated as follows:

| <i>Petitioner</i> | <i>Amount Allowed</i> | <i>Amount Disallowed</i> | <i>Classification</i> |
|----------------------------|---------------------------|------------------------------|-----------------------|
| <u>Ritz Mortuary, Inc.</u> | <u>\$3,000</u> | <u>None</u> | <u>First Class</u> |

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove be and the same are hereby made a part of the order and decree of this Court.

(B) That said demand shall be paid pursuant to K. S. A. 59-1302 .

A. L. MANN

Probate Judge

(SEAL)

APPROVED:

By: C. D. GRAVES

C. D. Graves

222 Second Street

Hometown, Kansas 66648

Attorney for Petitioner

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorney for Executrix

Reference: K. S. A. 59-1301; 59-1302; 59-1303; 59-2237; 59-2240; 59-2241.

Comment: If it is desired that the allowed demands be paid prior to the expiration of the non-claim period such should be so ordered by the Court and the requirement and terms of bond, if any, should be stated.

(133)

Statutory Allowances

The forms relating to Statutory Allowances are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 301 to 306 and are titled as follows:

| <i>Form No.</i> | <i>Title</i> |
|-----------------|----------------------------------|
| 301 | Petition for Statutory Allowance |
| 302 | Order for Hearing |
| 303 | Notice of Hearing |
| 304 | Affidavit of Service |
| 305 | Order for Statutory Allowance |
| 306 | Receipt |

(134)

Setting Apart of Homestead

The forms relating to the Setting Apart of the Homestead are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 310 to 314 and are titled as follows:

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---------------------------------|
| 310 | Petition to Set Apart Homestead |
| 311 | Order for Hearing |
| 312 | Notice of Hearing |
| 313 | Affidavit of Service |
| 314 | Order Setting Apart Homestead |

(135)

Sale of Personal Property

The forms relating to the Sale of Personal Property at both Private Sale and Public Auction are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 320 to 325 and 330 to 337 and are titled as follows:

(Private Sale)

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 320 | Petition for Sale of Personal Property at Private Sale |
| 321 | Order for Hearing |
| 322 | Notice of Hearing (If to be heard with Notice) |
| 323 | Affidavit of Service (If to be heard with Notice) |
| 324 | Order for Sale of Personal Property at Private Sale |
| 325 | Report of Sale of Personal Property at Private Sale |

(Public Auction)

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 330 | Petition for Sale of Personal Property at Public Auction |
| 331 | Order for Hearing |

- 332 Notice of Hearing
- 333 Affidavit of Service
- 334 Order for Sale of Personal Property at Public Auction
- 335 Notice of Sale
- 336 Affidavit of Publication
- 337 Report of Sale of Personal Property at Public Auction

(136)

Sale of Real Estate

The forms relating to the Sale of Real Estate at both Private Sale and Public Auction are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 340 to 352 and 360 to 373, and are titled as follows:

(Private Sale)

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 340 | Petition for Sale of Real Estate at Private Sale |
| 341 | Order for Hearing |
| 342 | Notice of Hearing |
| 343 | Affidavit of Publication |
| 344 | Affidavit of Service |
| 345 | Proceedings Under Soldiers' and Sailors' Civil Relief Act |
| 346 | Proceedings for Appointment of Guardians At Litem |
| 347 | Order to Sell Real Estate at Private Sale |
| 348 | Report of Appraisers |
| 349 | Rider to be attached to Bond of <u>Administrator, Jack O. Jones</u> , on File Herein |
| 350 | Report and Petition for Confirmation of Sale of Real Estate at Private Sale |
| 351 | Order Confirming Sale of Real Estate at Private Sale |
| 352 | Administrator's Deed |

(Public Auction)

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 360 | Petition for Sale of Real Estate at Public Auction |
| 361 | Order for Hearing |
| 362 | Notice of Hearing |
| 363 | Affidavit of Publication |
| 364 | Affidavit of Service |
| 365 | Proceedings Under Soldiers' and Sailors' Civil Relief Act |
| 366 | Proceedings for Appointment of Guardians Ad Litem |
| 367 | Order to Sell Real Estate at Public Auction |
| 368 | Notice of Sale |
| 369 | Affidavit of Publication |
| 370 | Rider to be Attached to Bond of <u>Administrator, Jack O. Jones</u> , on File Herein |
| 371 | Report and Petition for Confirmation of Sale of Real Estate at Public Auction |
| 372 | Order Confirming Sale of Real Estate at Public Auction |
| 373 | Administrator's Deed |

(137)

(CAPTION)

Petition for Final Settlement

COMES NOW Mary Doe and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 1, Hometown, Kansas 66648.

2. That she is the duly appointed, qualified and acting Executrix of the Estate of John Doe, deceased, by virtue of Letters Testamentary granted to her by the Court on August 4th, 19 72, that more than nine months have expired since the date of death of the decedent; that more than six months have expired since the first published notice to creditors and the Estate has been fully administered.

3. That John Doe died testate at Hometown, Kansas, on the 3rd day of July, 19 72; that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States; that he left a Will dated April 15th, 19 70, which was duly admitted to probate and record in this court the 4th day of August, 19 72; that no appeal has been taken from the Order Admitting the Will to Probate and the time for such appeal has expired, and that no later Will has been offered for probate and the time therefore has expired.

4. That John Doe was survived by the following named persons who, so far as known or can with reasonable diligence be ascertained, are all of his heirs:

| <i>Name</i> | <i>Age</i> | <i>Relationship</i> | <i>Residence and Address</i> |
|------------------------|----------------|----------------------|---|
| <u>Mary Doe</u> | <u>Adult</u> | <u>Wife</u> | <u>Route 1, Hometown, Kansas 66648</u> |
| <u>Theodore R. Doe</u> | <u>Adult</u> | <u>Son</u> | <u>1220 Main Street, Metropolis, Kansas 66625</u> |
| <u>Robert E. Doe</u> | <u>Adult</u> | <u>Son</u> | <u>Serial No. 82927336, APO New York, N. Y. 10026, whose permanent residence is P. O. Box 238, Kaw City, Kansas 66600</u> |
| <u>Mary Ann Jones</u> | <u>16 yrs.</u> | <u>Granddaughter</u> | <u>Dry Creek, Colorado 66875</u> |
| <u>Thomas A. Doe</u> | <u>Adult</u> | <u>Son</u> | <u>Crossroads, Arizona 70108</u> |

5. That the decedent had no spouse or children or adopted children or issue of deceased children, natural or adopted, or other heirs who survived him, other than the persons above named.

6. That the names, ages, relationships, residences and addresses of the devisees and legatees under the Will of the decedent, so far as known or can with reasonable diligence be ascertained, are:

| <i>Name</i> | <i>Age</i> | <i>Relationship</i> | <i>Residence and Address</i> |
|------------------------|--------------|---------------------|---|
| <u>Mary Doe</u> | <u>Adult</u> | <u>Wife</u> | <u>Route 1, Hometown, Kansas 66648</u> |
| <u>Theodore R. Doe</u> | <u>Adult</u> | <u>Son</u> | <u>1220 Main Street, Metropolis, Kansas 66625</u> |
| <u>Robert E. Doe</u> | <u>Adult</u> | <u>Son</u> | <u>Serial No. 82927336, APO New York, N. Y. 10026, whose permanent residence is P. O. Box 238, Kaw City, Kansas 66600</u> |

| | | | |
|------------------------|----------------|-----------------------|----------------------------------|
| <u>Henry H. Doe</u> | <u>6 yrs.</u> | <u>Grandson</u> | <u>Crossroads, Arizona 70108</u> |
| (Son of Thomas A. Doe) | | | |
| <u>Mary Ann Jones</u> | <u>16 yrs.</u> | <u>Granddaughter</u> | <u>Dry Creek, Colorado 66875</u> |
| The Hometown | | Trustee designated in | |
| State Bank | | decedent's Will | <u>Hometown, Kansas 66648</u> |
| The Peoples Church | | Designated Legatee | <u>Hometown, Kansas 66648</u> |

7. That the names and addresses of the duly appointed legal representatives of the heirs, devisees and legatees above named are:

| <u>Name</u> | <u>Representative Capacity</u> | <u>Address</u> |
|---------------------|---|------------------------------------|
| <u>M. R. Docket</u> | Guardian ad litem for Mary Ann Jones and Henry H. Doe, minors | Metropolis, <u>Kansas 66624</u> |
| <u>U. B. Brief</u> | Attorney for Robert E. Doe, a serviceman under the purview of the Soldiers' and Sailors' Civil Relief Act | Metropolis, <u>Kansas 66625</u> |

8. That the decedent's spouse, Mary Doe, consented in writing to the Last Will and Testament of the decedent, as determined by this Court in its Order admitting decedent's Will to probate.

9. That the decedent owned at the time of his death, the following described real estate situated in Apache County, Kansas:

- (a) The Northeast quarter of Section 26, Township 20, South, Range 30, West of the 6th P. M., containing 160 acres, more or less, and
- (b) The Northeast quarter of the Northeast quarter of Section 10, Township 20, South, Range 30, West of the 6th P. M., containing 40 acres, more or less, together with all improvements situated thereon.

which is a part of the residue of the Estate.

10. That a full, true and correct account by the Petitioner of the administration of the Estate is attached hereto, marked "Exhibit A" and made a part thereof.

11. That all taxes imposed by the state of Kansas and by the United States have been paid; all demands against the Estate of the decedent have been paid as authorized by law or the orders of the Court, and the time for filing of demands has expired.

12. That the Petitioner has waived compensation for her services as Executrix and that she has employed Pleader, Pleader & Tryor as her attorneys; that U. B. Brief has been appointed as required by the Soldiers' and Sailors' Civil Relief Act; that M. R. Docket has been appointed Guardian ad litem for minors herein; that these attorneys and this Guardian ad litem have performed valuable services in this Estate and that allowances should be made for their services and their expenses as follows:

- (a) To the Executrix for her attorneys' fees in the sum of \$ _____, and their expenses in the sum of \$ _____.
- (b) To U. B. Brief in the sum of \$ _____.
- (c) To M. R. Docket in the sum of \$ _____.

13. That the Last Will and Testament of the decedent should be construed to distribute the Estate as follows:

- (a) Specific bequest of \$10,000 to the Hometown State Bank, Hometown, Kansas, in trust for the benefit of Henry H. Doe.
- (b) Specific bequest of the stamp collection to Mary Ann Jones.
- (c) Specific bequest of \$10,000 to Mary Ann Jones.
- (d) Specific bequest of \$10,000 to Robert E. Doe.
- (e) Specific bequest of \$10,000 to Theodore R. Doe.
- (f) Specific bequest of \$5,000 to the Peoples Church of Hometown, Kansas.
- (g) Residue of the Estate to Mary Doe.

WHEREFORE, Petitioner prays that her acts be approved; that her account be settled and allowed; that the heirs be determined; that the Will be construed and the Estate be assigned to the persons entitled thereto; that the Court find that the allowances requested for attorneys and Guardian ad litem fees and expenses are reasonable and should be allowed; that the court costs be determined and ordered paid; that the administration of the Estate be closed; that upon the filing of receipts the Petitioner be finally discharged as the Executrix of the Estate of John Doe, deceased, and that she [and the surety on her bond] be released from further liability.

MARY DOE

Petitioner

(VERIFICATION)

(See Form No. 103 for verification)

PLEADER, PLEADER & TRYOR
 The Hometown State Bank Building
 Hometown, Kansas 66648
 Attorneys for Petitioner

Exhibit "A"

Account of MARY DOE, EXECUTRIX of the Estate of JOHN DOE,
 Deceased August 4, 1972—April 4, 1973

Receipts

| Date | Received From | Explanation | Amount |
|---------|--|---|-------------|
| 8- 5-72 | Theodore R. Doe Special Administrator | Balance on hand | \$17,172.90 |
| 8- 5-72 | Frank Johnston | Balance due on Promissory Note | \$ 2,310.00 |
| 8- 5-72 | Hometown State Bank Hometown, Kansas | Checking Account | \$ 1,042.10 |
| 8- 5-72 | Hometown State Bank Hometown, Kansas | Savings Account | \$ 1,300.00 |

| | | | |
|----------|---|--|--------------------|
| 8- 5-72 | Hometown State Bank Hometown, Kansas | Certificate of Deposit | \$ 5,000.00 |
| 10-12-72 | Z. Z. Smith Metropolis, Kansas | Sale of Ford Pickup | \$ 1,600.00 |
| 10-12-72 | U. R. Farmer Hometown, Kansas | Sale of Farm Mach., Tools & Equipment | \$11,500.00 |
| 10-12-72 | M. A. Merchant Metropolis, Kansas | Sale of Furniture, Fixtures and inventory of Retail Prod. Business | \$ 1,700.00 |
| 10-12-72 | Hometown State Bank Hometown, Kansas | Redemption of U. S. Savings Bonds | \$ 7,000.00 |
| 10-12-72 | Hometown Elevator Co. Hometown, Kansas | Sale of 1000 Bushel of Wheat | \$ 2,000.00 |
| 10-12-72 | L. S. Deed | Sale of Land | \$15,000.00 |
| 10-12-72 | Long Life Ins. Co. | Policy No. 296011 | \$10,000.00 |
| | Total Receipts | | <u>\$75,625.00</u> |

Disbursements

| <i>Date</i> | <i>Paid to</i> | <i>Purpose</i> | <i>Amount</i> |
|-------------|---|---|--------------------|
| 8- 5-72 | F. F. Hatfield | Commissioner Fees | \$ 25.00 |
| 8- 5-72 | G. O. Back | Witness Fee & Mileage | \$ 16.00 |
| 8-16-72 | R. E. Dealer Hometown, Kansas | Appraiser Fee & Mileage | \$ 15.00 |
| 8-16-72 | A. G. Broker Hometown, Kansas | Appraiser Fee & Mileage | \$ 15.00 |
| 8-16-72 | S. N. Neighbor Hometown, Kansas | Appraiser Fee & Mileage | \$ 15.00 |
| 9- 2-72 | Mary Doe Hometown, Kansas | Widows Allowance | \$ 3,500.00 |
| 9- 3-72 | Hometown Gen. Hosp. Hometown, Kansas | Hospital Bill | \$ 1,500.00 |
| 9- 3-72 | A-1 Garage Hometown, Kansas | Repair Bill | \$ 92.00 |
| 9- 3-72 | Ritz Mortuary Hometown, Kansas | Funeral Expenses | \$ 3,000.00 |
| 9- 3-72 | Ace Monument Co. Hometown, Kansas | Grave Monument (As directed by the Will) | \$1 1,500.00 |
| | Total Disbursements | | <u>\$ 9,678.00</u> |

RECAPITULATION

| | |
|------------------------------------|--------------------|
| Total Cash Receipts | <u>\$75,625.00</u> |
| Total Cash Disbursements | <u>\$ 9,678.00</u> |
| Cash Balance on Hand | <u>\$65,947.00</u> |

The above stated cash balance on hand is carried in a checking account with The Hometown State Bank, Hometown, Kansas, under the name and style of Mary Doe, Executrix of the Estate of John Doe, deceased.

Including the cash balance belonging to the Estate of \$65,947.00, the Executrix accounts for the following items of personal property belonging to the Estate of the decedent, as follows:

- (a) Cash Balance \$65,947.00.
- (b) Personal Property in her custody; Stamp collection with an approximate value of one Thousand (\$1,000) Dollars.
- (c) Personal Property previously distributed; Pursuant to "Order for Statutory Allowance," dated September 2, 1972, furniture, household goods, wearing apparel, one automobile (1969 Model Chevrolet 4-dr. Sedan, Id. No. 1234567890) and 25 Shares Common Stock, Kansas Power & Light Certificate No. 508 at \$20 per share were delivered to Mary Doe.

Reference: K. S. A. 59-1401; 59-1501; 59-1502; 59-2204; 59-2247; 59-2249; 79-303; 79-1522; 79-2903; 79-3112; 79-3220 (*d*); Internal Revenue Code Section 2002 and Internal Revenue Code Section 641 (*b*).

Time: The Petition for Final Settlement must be filed in accordance with K. S. A. 59-1501.

Comment: The Petition should recite the names, ages, relationships and addresses of all heirs, devisees and legatees, irrespective of their entitlement to benefits, so far as known or can with reasonable diligence be ascertained. See *In Re Barnes*, 212 Kan. 502.

If no interested party is in the service, an Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act, Form No. 110, must be filed on or before the date of the hearing on the Petition. Similarly, if interested parties are in the service or under any legal disability, the Written Defenses of the Attorney Representing Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act, must be filed. See generally Forms No. 109 and 114.

Notice must also be given to all conservators, if any.

(138)

Order for Hearing

See Form No. 104, as to: (1) Form and
(2) Time.

Reference: K. S. A. 59-2209; 59-2247.

Comment: Notice by publication is required by K. S. A. 59-2247.

(139)

First published in the Metropolis Herald , Monday , the 10th day of April , 19 72 .

(CAPTION)

Notice of Hearing

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by _____ Mary Doe , duly appointed, qualified and acting Executrix of the Estate of John Doe , deceased, praying that her acts be approved; that her account be settled and allowed, that the Will be construed and the Estate be assigned to the persons entitled thereto; that fees and expenses be allowed; that the costs be determined and ordered paid; that the administration of the Estate be closed; that the Executrix be discharged and that she [and the surety on her bond] be released from further liability.

You are required to file your written defenses thereto on or before the 4th day of May , 19 73 , 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 the Petition.

MARY DOE

Executrix

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Executrix

TO THE PUBLISHER: Please publish for three consecutive Fridays , commencing the 10th day of April , 19 73 . Immediately after the first publication, please forward _____ copies of the above and foregoing Notice to: Pleaser, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas 66648 . Immediately after the third publication, make your proof of publication to the Probate Court, Courthouse, with copy to this office.

Reference: K. S. A. 59-2208; 59-2209; 59-2210; 59-2247.

Time: The Notice of Hearing shall be published once a week for three consecutive weeks with the first publication within ten days of the Order for Hearing. The date set for hearing shall not be earlier than seven days nor later than fourteen days after the last publication of notice.

(140)

Affidavit of Service

See Form No. 115, as to: (1) Form,
(2) Reference,
(3) Time, and
(4) Comment.

(141)

Affidavit of Publication

See Form No. 119, as to: (1) Form,
 (2) Reference,
 (3) Time, and
 (4) Comment.

(142)

Written Defenses of Guardian Ad Litem

See Form No. 109, as to: (1) Form,
 (2) Reference,
 (3) Time, and
 (4) Comment.

(143)

Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act

See Form No. 110, as to: (1) Form,
 (2) Reference,
 (3) Time, and
 (4) Comment.

(144)

Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act

See Form No. 114, as to: (1) Form, and
 (2) Time.

(145)

(CAPTION)

Journal Entry of Final Settlement

Now on this 4th day of May, 19 73, comes on for hearing the Petition for Final Settlement filed by Mary Doe, Executrix, of the Estate of John Doe, deceased.

The Petitioner appears in person and by her attorneys Pleader, Pleader & Tryor. Robert E. Doe, a serviceman as defined by the Soldiers' and Sailors' Civil Relief Act, appears by his attorney U. B. Brief. Mary Ann Jones and Henry H. Doe, minors, appear by their Guardian ad litem M. R. Docket. Theodore R. Doe appears in person. The Hometown State Bank

appears by its attorney D. O. Cash . The Peoples Church appears by its attorney I. M. Good . There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, devisees and legatees, and notice of this hearing has been given as required by law and the order of this Court and that proof thereof has been duly filed herein and is hereby approved.

2. That the allegations of the Petition are true.

3. That all the terms and provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, have been complied with as to any interested person or persons who are in the service of the United States or its allies.

4. That all taxes imposed by the state of Kansas and by the United States have been paid ; that all demands against the Estate of the decedent have been paid as authorized by law or the Orders of the Court, and the time for filing demands has expired.

5. That the decedent's spouse , Mary Doe , consented in writing to the Last Will and Testament of the decedent .

6. That the decedent owned at the time of his death the following described real estate situated in Apache County, Kansas:

The residence of the decedent located on the Northeast quarter of Section 26, Township 20, South, Range 30, West of the 6th P. M., containing 160 acres, more or less, and

The Northeast quarter of the Northeast quarter of Section 10, Township 20, South, Range 30, West of the 6th P. M., containing 40 acres, more or less, together with all improvements thereon;

which is a part of the residue of the Estate.

7. That the Petitioner has filed herein a full and complete accounting of her receipts and disbursements as Executrix which is summarized as follows:

| | |
|----------------------------|--------------------|
| Receipts | <u>\$75,625.00</u> |
| Disbursements | <u>\$ 9,678.00</u> |
| Balance Cash on Hand | <u>\$65,947.00</u> |

That the Petitioner, since filing her Petition for Final Settlement, has received the following:

| | |
|------------------------------------|-----------------|
| <u>Rent</u> | <u>\$50.00</u> |
| <u>K. P. & L. Refund</u> | <u>\$20.00</u> |
| <u>Telephone Refund</u> | <u>\$ 6.00</u> |
| <u>Total</u> | <u>\$ 76.00</u> |

and made the following disbursements:

| | |
|---|-----------------|
| <u>Lawn Care</u> | <u>\$ 8.00</u> |
| <u>Trash Hauling</u> | <u>\$12.00</u> |
| <u>Gas Bill</u> | <u>\$ 7.00</u> |
| <u>Advance Payment of State Intangibles Tax</u> | <u>\$26.00</u> |
| <u>Total</u> | <u>\$ 55.00</u> |

leaving a cash balance on hand of \$65,968.00

8. That the account attached to the Petition and the supplemental account should be settled and allowed and all of the acts and proceedings of the Executrix have been in accordance with the law and the orders of this Court and are approved.

9. That John Doe was survived by the following named persons who are all of his heirs:

| <u>Name</u> | <u>Age</u> | <u>Relationship</u> |
|------------------------|----------------|----------------------|
| <u>Mary Doe</u> | <u>Adult</u> | <u>Wife</u> |
| <u>Theodore R. Doe</u> | <u>Adult</u> | <u>Son</u> |
| <u>Robert E. Doe</u> | <u>Adult</u> | <u>Son</u> |
| <u>Thomas A. Doe</u> | <u>Adult</u> | <u>Son</u> |
| <u>Mary Ann Jones</u> | <u>16 yrs.</u> | <u>Granddaughter</u> |

(Minor above named is child of Mary Doe Jones, prior deceased daughter of decedent herein)

10. That the names, ages and relationships of the devisees and legatees of the decedent who are entitled to the Estate under the provisions of the decedent's Last Will and Testament are:

| <u>Name</u> | <u>Age</u> | <u>Relationship</u> |
|--------------------------------|----------------|--|
| <u>Mary Doe</u> | <u>Adult</u> | <u>Wife</u> |
| <u>Theodore R. Doe</u> | <u>Adult</u> | <u>Son</u> |
| <u>Robert E. Doe</u> | <u>Adult</u> | <u>Son</u> |
| <u>Henry H. Doe</u> | <u>6 yrs.</u> | <u>Grandson</u> |
| (Son of Thomas A. Doe) | | |
| <u>Mary Ann Jones</u> | <u>16 yrs.</u> | <u>Granddaughter</u> |
| <u>The Hometown State Bank</u> | | <u>Trustee designated in Decedent's Will</u> |
| <u>The Peoples Church</u> | | <u>Designated Legatee</u> |

11. That the decedent's Last Will and Testament is construed to distribute the Estate as follows:

- (a) Specific bequest of \$10,000 to the Hometown State Bank, Hometown, Kansas, in Trust, for the benefit of Henry H. Doe.
- (b) Specific bequest of the stamp collection to Mary Ann Jones.
- (c) Specific bequest of \$10,000 to Mary Ann Jones.
- (d) Specific bequest of \$10,000 to Robert E. Doe.
- (e) Specific bequest of \$10,000 to Theodore R. Doe.
- (f) Special bequest of \$5,000 to the Peoples Church of Hometown, Kansas.
- (g) Residue of the Estate to Mary Doe.

12. That Mary Doe has waived compensation for her services as Executrix; that she has employed Pleader, Pleader & Tryor as her attorneys in this Estate; that M. R. Docket was appointed Guardian ad litem for Mary Ann Jones and Henry H. Doe, minors; that U. B. Brief was appointed to represent the interests of Robert E. Doe, a serviceman, pursuant to the Soldiers' and Sailors' Civil Relief Act; that there are other costs due this court; that the following fees, expenses and costs are reasonable and should be paid:

- (a) To the Executrix for her attorneys' fees in the sum of \$ _____ ,
and their expenses in the sum of \$ _____ .
- (b) To U. B. Brief in the sum of \$ _____ .
- (c) To M. R. Docket in the sum of \$ _____ .
- (d) To the Court for costs in the sum of \$ _____ .

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of this Court.

(B) That the accounts of Mary Doe , Executrix of the Estate of John Doe , deceased, are settled and allowed and all of her acts and proceedings are approved and she is authorized and directed to pay the fees, expenses and costs set out in paragraph 12 above.

(C) That after the payment of fees, expenses and costs the assets remaining in the hands of the Executrix , and all other real and personal property owned by the decedent at the time of his death, subject to any lawful disposition heretofore made, are assigned pursuant to the terms of decedent's Last Will and Testament, as herein construed, as follows:

1. \$10,000 to the Hometown State Bank, Hometown, Kansas, in trust for the benefit of Henry H. Doe.
2. \$10,000 to Mary Ann Jones.
3. Stamp Collection to Mary Ann Jones.
4. \$10,000 to Robert E. Doe.
5. \$10,000 to Theodore R. Doe.
6. \$5,000 to the Peoples Church of Hometown, Kansas.
7. Residue to Mary Doe Including:

The following described real estate situated in Apache County, Kansas:

(a) The residence of the decedent located on the Northeast quarter of Section 26, Township 20, South, Range 30, West of the 6th P. M., containing 160 acres, more or less, subject to homestead rights of Mary Doe, pursuant to Order of this Court dated September 1, 1972.

The Northeast quarter of the Northeast quarter of Section 10, Township 20, South, Range 30, West of the 6th P. M., containing 40 acres, more or less, together with all improvements thereon.

(b) All other property, real and personal, owned by the decedent at the time of his death.

(D) That the real estate hereinbefore described is assigned as of the date of death of the decedent. The executrix is directed to distribute the personal property forthwith.

(E) That upon the filing of proper receipts, the administration of the Estate shall be closed, Mary Doe shall be finally discharged as Executrix of the Estate of John Doe , deceased, and she [and the surety on her bond] shall be released from further liability.

A. L. MANN

Probate Judge

APPROVED:

PLEADER, PLEADER & TRYOR

By W. B. PLEADER

The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Petitioner

U. B. BRIEF

U. B. Brief
Metropolis, Kansas 66625
Attorney for Robert E. Doe

M. R. DOCKET

M. R. Docket
Metropolis, Kansas 66624
Guardian ad litem for Mary Ann
Jones and Henry H. Doe, minors

I. M. GOOD

I. M. Good
Hometown, Kansas 66648
Attorney for The Peoples Church

D. O. CASH

D. O. Cash
The Hometown State Bank Building
Hometown, Kansas 66648
Attorney for the Hometown State Bank

Reference: K. S. A. 59-2249.

Time: The Journal Entry of Final Settlement shall not be entered sooner than nine months after the date of death of the decedent and not sooner than six months after the first publication of the Notice of Appointment, whichever is later.

Comment: No decree shall be entered until after the determination and payment of inheritance tax, if any.

No decree should be entered until after the determination and payment of federal estate tax, if any.

Paragraph 1 of the findings is intended to comply with *In Re Barnes*, 212 Kan. 502.

(146)

(CAPTION)

Receipt

Received of Mary Doe , Executrix of the Estate of John Doe , deceased, \$10,000 in full satisfaction of my distributive share of said Estate as per the Journal Entry of Final Settlement.

Dated this 4th day of May , 19 73 .

THEODORE R. DOE

Reference: K. S. A. 59-1718.

Time: After the Journal Entry of Final Settlement.

Comment: Similar receipts should be procured from all distributees.

(147)

(CAPTION)

Journal Entry of Final Discharge

Now on this 4th day of May , 19 73 , comes Mary Doe , Executrix of the Estate of John Doe , deceased, and files her receipts showing that she has fully complied with the Journal Entry of Final Settlement entered herein and the Court finds that she should be finally discharged.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that Mary Doe be and she is hereby finally discharged as Executrix of the Estate of John Doe , deceased, and she [and the surety on her bond] is [are] hereby released from any and all further liability.

A. L. MANN

Probate Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER, & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Executrix

Reference: K. S. A. 59-1718.

Time: Whenever the receipts are filed and all orders of the court have been complied with in all respects.

INDEX TO INTESTATE FORMS

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---|
| 201 | Petition for Issuance of Letters of Administration |
| 202 | Voluntary Entry of Appearance and Waiver of Notice |
| 203 | Order for Hearing |
| 204 | Order Appointing Administrator |
| 205 | Oath of Administrator |
| 206 | Bond of Administrator |
| 207 | Letters of Administration |
| 208 | Notice of Appointment of Administrator |
| 209 | Affidavit of Publication |
| 210 | Inventory and Appraisement |
| 211 | Allowance of Demands |
| 212 | Statutory Allowances |
| 213 | Setting Apart of Homestead |
| 214 | Sale of Personal Property |
| 215 | Sale of Real Estate |
| 216 | Petition for Final Settlement |
| 217 | Order for Hearing |
| 218 | Notice of Hearing |
| 219 | Soldiers' and Sailors' Civil Relief Act Proceedings |
| 220 | Proceedings for Appointment of Guardian Ad Litem |
| 221 | Affidavit of Publication |
| 222 | Affidavit of Service |
| 223 | Journal Entry of Final Settlement |
| 224 | Receipt |
| 225 | Journal Entry of Final Discharge |

(201)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

IN THE MATTER OF THE ESTATE OF
RICHARD ROE , DECEASED

No. 5000

Petition for Issuance of Letters of Administration

COMES NOW Jane Roe and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 1, Hometown, Kansas 66648 .
2. That the Petitioner has an interest in decedent's Estate as the widow and one of the heirs of Richard Roe , deceased.
3. That Richard Roe died intestate at Hometown, Kansas , on the 3rd day of July , 19 72 ; that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States.
4. That the names, ages, relationships, residences and addresses of the heirs of the decedent so far as known or can with reasonable diligence be ascertained are:

| <i>Name</i> | <i>Age</i> | <i>Relationship</i> | <i>Residence and Address</i> |
|-----------------------|--------------|---------------------|---|
| <u>Jane Roe</u> | <u>Adult</u> | <u>Wife</u> | <u>Route 1, Hometown, Kansas 66648</u> |
| <u>Susan R. Brown</u> | <u>Adult</u> | <u>Daughter</u> | <u>Dry Creek, Colorado 79100</u> |
| <u>George J. Roe</u> | <u>Adult</u> | <u>Son</u> | <u>Dry Creek, Colorado 79100</u> |
| <u>Harry J. Roe</u> | <u>Adult</u> | <u>Son</u> | <u>1200 Main Street, Metropolis, Kansas 66650</u> |

5. That the names and addresses of the duly appointed legal representatives of the heirs above named so far as known or can with reasonable diligence be ascertained are:

| <i>Name</i> | <i>Representative Capacity</i> | <i>Address</i> |
|-------------|--------------------------------|----------------|
| | (NONE) | |

6. That so far as known or can with reasonable diligence be ascertained the decedent had no spouse or children or adopted children or issue of deceased children, natural or adopted, or other heirs who survived him, other than the persons above named.

7. That the general character and probable value of decedent's Estate are:
Real estate of the estimated value of \$50,000 with probable annual income of \$5,000 .
Personal property of the estimated value of \$50,000 .

8. That the appointment of an Administrator is necessary for the collection, conservation and administration of the Estate; that Harry J. Roe , a resident of Kansas whose residence and address is 1200 Main Street, Metropolis, Kansas 66650 is a suitable and competent person to be granted Letters of Administration.

WHEREFORE, the Petitioner prays that Letters of Administration be granted to Harry J. Roe as Administrator of the Estate of Richard J. Roe , deceased.

JANE ROE

Petitioner

STATE OF KANSAS }
 COUNTY OF APACHE } ss:

Jane Roe, of lawful age, being first duly sworn, upon her oath states:

That she is the Petitioner above named; that she has read the above Petition for Issuance of Letters of Administration; that she knows the content thereof, and that all the statements therein made are true.

JANE ROE

SUBSCRIBED AND SWORN TO before me this 15th day of July, 19 72.

NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:
January 10, 1974

PLEADER, PLEADER & TRYOR
 The Hometown State Bank Building
 Hometown, Kansas 66648
 Attorneys for Petitioner

Reference: K. S. A. 59-501; 59-504; 59-505; 59-506; 59-507; 59-508; 59-509; 59-511; 59-705; 59-706; 59-1101; 59-2103; 59-2201; 59-2202; 59-2203; 59-2204; 59-2219; 59-2221; 59-2223; 59-2239.

Time: Any time after death, except in the case of a creditor's Petition.

Comment: The Petitioner should recite the names, ages, relationships and addresses of all heirs, irrespective of their entitlement to benefits, so far as known or with reasonable diligence can be ascertained. See *In re Barnes*, 212 Kan. 502.

If the Petitioner is a corporation, see Form No. 128, for a form of corporate verification.

(202)

(CAPTION)

Voluntary Entry of Appearance and Waiver of Notice

COMES NOW Susan R. Brown whose address and residence is Dry Creek, Colorado 79100, an heir of Richard Roe, deceased, and enters her appearance herein, waives notice of hearing on the Petition for Issuance of Letters of Administration filed by Jane Roe, and consents that the said petition may be set for immediate hearing without further notice to her.

IN WITNESS WHEREOF, I have subscribed by name this 15th day of July, 19 72.

SUSAN R. BROWN

Reference: K. S. A. 59-2208; 59-2222; 59-2223.

Time: At or before the hearing on the Petition.

Comment: Notice by publication is required by K. S. A. 59-2222, unless waived pursuant to K. S. A. 59-2223, or unless ordered by the Court pursuant to K. S. A. 59-2208.

In this set of intestate forms, all parties interested filed Voluntary Entries of Appearance and Waivers of Notice. If waivers are not obtainable see the following forms for use if applicable.

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 104 | Order for Hearing |
| 105 | Notice of Hearing |
| 106 | Petition for Appointment of Guardian Ad Litem |
| 107 | Order for Hearing |
| 108 | Order Appointing Guardian Ad Litem |
| 109 | Written Defenses of Guardian Ad Litem |
| 110 | Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 111 | Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 112 | Order for Hearing |
| 113 | Order Appointing Attorney to Represent Interests of Serviceman Pursuant to the Soldiers' and Sailors' Civil Relief Act |
| 114 | Written Defenses of Attorney Representing Interests Pursuant to the Soldiers' and Sailors' Civil Relief Act |
| 115 | Affidavit of Service |
| 119 | Affidavit of Publication |

(203)

(CAPTION)

Order for Hearing

Now on this 15th day of July, 19 72, the Court finds that Voluntary Entries of Appearance and Waivers of Notice have been filed by all parties interested; that the Petition for Issuance of Letters of Administration, filed by Jane Roe, should be set for immediate hearing, and that notice of the time and place of hearing by publication or otherwise is not necessary or required by law.

IT IS SO ORDERED.

A. L. MANN

Probate Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-2204; 59-2208; 59-2209; 59-2222; 59-2223.

Time: When the Petition is filed.

Comment: Notice by publication is required by K. S. A. 59-2222, unless waived pursuant to K. S. A. 59-2223, or unless otherwise ordered by the Court pursuant to K. S. A. 59-2208.

(204)

(CAPTION)

Order Appointing Administrator

Now on this 15th day of July, 19 72, comes on for hearing the Petition for Issuance of Letters of Administration filed herein by Jane Roe.

The Petitioner appears in person and by her attorneys Pleader, Pleader & Tryor. Harry J. Roe appears in person. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That notice of this hearing has been waived by all parties interested.
(or)

[1. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs and notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed herein and is hereby approved.]

2. That the allegations of the Petition are true.

3. That Richard Roe died intestate at Hometown, Kansas, on the 3rd day of July, 19 72; that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States, leaving an Estate to be administered herein.

4. That Harry J. Roe, who is a resident of Apache County, Kansas, and whose post office address is 1220 Main Street, Metropolis, Kansas, is a suitable and competent person to be granted Letters of Administration.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That Harry J. Roe be and he is appointed Administrator of the Estate of Richard Roe, deceased, and that upon the filing of his oath and bond in the amount of \$70,000, Letters of Administration be granted to him.

A. L. MANN

Probate Judge

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-705; 59-1101; 59-2232.

Time: The Order Appointing Administrator will be entered on the date fixed in the Order for Hearing, or upon adjournment thereof.

Comment: If notice was not waived use the alternate paragraph numbered [1], which appears in the findings.

Paragraph [1] of the findings is intended to comply with *In Re Barnes*, 212 Kan. 502.

(205)

(CAPTION)

Oath of Administrator

STATE OF KANSAS }
COUNTY OF APACHE } ss:

I, Harry J. Roe, 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 Richard Roe, deceased; 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 the State of Kansas.

HARRY J. ROE

SUBSCRIBED AND SWORN TO before me this 20th day of July, 19 72.

A. L. MANN

Probate Judge

(SEAL)

Reference: K. S. A. 59-1702; 59-2232.

Time: The Oath must be filed before Letters of Administration can be granted.

Comment: The Oath should conform to the statutory requirements.

(206)

(CAPTION)

Bond of Administrator

KNOW ALL MEN BY THESE PRESENTS:

That we, Harry J. Roe as principal and Ace Bonding Company, Inc. as surety, are held and firmly bound unto the State of Kansas in the sum of \$70,000 to the payment of which, well and truly to be made, we bind ourselves, our executors, administrators and successors firmly by these presents.

The condition of the above obligation is such that whereas the above bounden Harry J. Roe has been duly appointed by the Probate Court of Apache County, Kansas, Administrator of the Estate of Richard Roe, deceased;

Now if Harry J. Roe , the said Administrator , shall faithfully discharge all the duties of his trust according to law, then this obligation shall be void; otherwise it shall remain in full force and effect.

Dated, signed and sealed by us, this 20th day of July , 19 72 .
HARRY J. ROE

Principal
Ace Bonding Co., Inc.
 By N. M. HANNA, Attorney in Fact
Surety

(Attach copy of N. M. Hanna's Power of Attorney)

The above Bond taken and approved by me, this 20th day of July , 19 72 .

A. L. MANN
Probate Judge

(SEAL)

Reference: K. S. A. 59-1101; 59-1102; 59-2232.

Time: The bond must be approved and filed before Letters of Administration can be granted.

Comment: Where corporate surety bond is filed no verification of surety is necessary. If personal surety bond is filed follow generally Form No. 5 in the Special Administration Series.

(207)

(CAPTION)

Letters of Administration

KNOW ALL MEN BY THESE PRESENTS:

That Harry J. Roe , a resident of Hometown , Apache , County, Kansas, having been appointed and qualified as Administrator of the Estate of Richard Roe , deceased, is hereby granted Letters of Administration in said Estate, with full power and authority as provided by law.

IN WITNESS WHEREOF I, A. L. MANN , Probate Judge of this county and state have subscribed my name and affixed the seal of this Court at Metropolis in said county and state, this 20th day of July , 19 72 .

A. L. MANN
Probate Judge

(SEAL)

PLEADER, PLEADER & TRYOR
 The Hometown State Bank Building
 Hometown, Kansas 66648
 Attorneys for Administrator

Reference: K. S. A. 59-2232.

Time: The Letters of Administration shall be granted as soon as oath and bond are approved and filed.

(208)

First published in the Metropolis Herald , Friday , the 21st day of July , 19 72 .

(CAPTION)

Notice of Appointment of Administrator

TO THE CREDITORS AND HEIRS OF Richard Roe , DECEASED, AND ALL OTHERS CONCERNED:

You and each of you will take notice that on the 20th day of July , 19 72 , Harry J. Roe was appointed Administrator of the Estate of Richard Roe , deceased, qualified as such, and Letters of Administration were granted to him on July 20 , 19 72 by the Probate Court of Apache County, Kansas.

All parties interested in the Estate will take notice and govern themselves accordingly. All creditors are notified to exhibit their demands against the Estate within six months from the date of the first publication of this notice, as provided by law, and if their demands are not thus exhibited, they shall be forever barred.

HARRY J. ROE

Administrator

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Administrator

TO THE PUBLISHER: Please publish for three consecutive Fridays , commencing the 21st day of July , 19 72 . Immediately after the first publication, please forward _____ copies of the above and foregoing Notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas . Immediately after the third publication, make your proof of publication to the Probate Court, Courthouse , with copy to this office.

Reference: K. S. A. 59-709; 59-2236.

Time: The Notice shall be published for three consecutive weeks beginning within ten days after the qualification of the Administrator.

Comment: The non-claim statute begins to run with first publication of the Notice. Notice by mail to creditors is not required.

(209)

Affidavit of Publication

See Form No. 119 as to: (1) Form,
(2) Reference, and
(3) Comment.

(210)

Inventory and Appraisement

See Form No. 126 as to: (1) Form,
(2) Reference,
(3) Time, and
(4) Comment.

(211)

Allowance of Demand

The forms relating to Allowance of Demand are in the section containing the Testate Forms. The pertinent forms are numbered 128 to 132 and are titled as follows:

| <i>Form No.</i> | <i>Title</i> |
|-----------------|----------------------------------|
| 128 | Petition for Allowance of Demand |
| 129 | Order for Hearing |
| 130 | Notice of Hearing |
| 131 | Affidavit of Service |
| 132 | Order on Demand |

(212)

Statutory Allowances

The forms relating to Statutory Allowances are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 301 to 306 and are titled as follows:

| <i>Form No.</i> | <i>Title</i> |
|-----------------|----------------------------------|
| 301 | Petition for Statutory Allowance |
| 302 | Order for Hearing |
| 303 | Notice of Hearing |
| 304 | Affidavit of Service |
| 305 | Order for Statutory Allowance |
| 306 | Receipt. |

(213)

Setting Apart of Homestead

The forms relating to the setting Apart of the Homestead are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 310 to 314 and are titled as follows:

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---------------------------------|
| 310 | Petition to Set Apart Homestead |
| 311 | Order for Hearing |
| 312 | Notice of Hearing |
| 313 | Affidavit of Service |
| 314 | Order Setting Apart Homestead |

(214)

Sale of Personal Property

The forms relating to the Sale of Personal Property at both Private Sale and Public Auction are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 320 to 325 and 330 to 337 and are titled as follows:

(Private Sale)

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 320 | Petition for Sale of Personal Property at Private Sale |
| 321 | Order for Hearing |
| 322 | Notice of Hearing (If to be heard with Notice) |
| 323 | Affidavit of Service (If to be heard with Notice) |
| 324 | Order for Sale of Personal Property at Private Sale |
| 325 | Report of Sale of Personal Property at Private Sale |

(Public Auction)

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 330 | Petition for Sale of Personal Property at Public Auction |
| 331 | Order for Hearing |
| 332 | Notice of Hearing |
| 333 | Affidavit of Service |
| 334 | Order for Sale of Personal Property at Public Auction |
| 335 | Notice of Sale |
| 336 | Affidavit of Publication |
| 337 | Report of Sale of Personal Property at Public Auction |

(215)

Sale of Real Estate

The forms relating to the Sale of Real Estate at both Private Sale and Public Auction are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 340 to 352 and 360 to 373, and are titled as follows:

(Private Sale)

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 340 | Petition for Sale of Real Estate at Private Sale |
| 341 | Order for Hearing |
| 342 | Notice of Hearing |
| 343 | Affidavit of Publication |
| 344 | Affidavit of Service |
| 345 | Proceedings Under Soldiers' and Sailors' Civil Relief Act |
| 346 | Proceedings for Appointment of Guardians Ad Litem |
| 347 | Order to Sell Real Estate at Private Sale |
| 348 | Report of Appraisers |
| 349 | Rider to be attached to Bond of <u>Administrator, Jack O. Jones</u> , on File Herein |
| 350 | Report and Petition for Confirmation of Sale of Real Estate at Private Sale |
| 351 | Order Confirming Sale of Real Estate at Private Sale |
| 352 | Administrator's Deed |

(Public Auction)

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 360 | Petition for Sale of Real Estate at Public Auction |
| 361 | Order for Hearing |
| 362 | Notice of Hearing |
| 363 | Affidavit of Publication |
| 364 | Affidavit of Service |
| 365 | Proceedings Under Soldiers' and Sailors' Civil Relief Act |
| 366 | Proceedings for Appointment of Guardians Ad Litem |
| 367 | Order to Sell Real Estate at Public Auction |
| 368 | Notice of Sale |
| 369 | Affidavit of Publication |
| 370 | Rider to be Attached to Bond of <u>Administrator, Jack O. Jones</u> , on File Herein |
| 371 | Report and Petition for Confirmation of Sale of Real Estate at Public Auction |
| 372 | Order Confirming Sale of Real Estate at Public Auction |
| 373 | Administrator's Deed |

(216)

(CAPTION)

Petition for Final Settlement

COMES NOW Harry J. Roe and alleges:

1. That he is a resident of Apache County, Kansas, and his address is 1220 Main St., Metropolis, Kansas 66650 .
2. That he is the duly appointed, qualified and acting Administrator of the Estate of Richard Roe , deceased, by virtue of Letters of Administration granted to him by the Court on August 20 , 19 72 ; that more than nine months have expired since the date of death of the decedent and no will has

been offered for Probate; that more than six months have expired since the first published notice to creditors and the Estate has been fully administered.

3. That Richard Roe died intestate at Hometown, Kansas, on the 3rd day of July, 19 72; that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States.

4. That Richard Roe was survived by the following named persons who, so far as known or can with reasonable diligence be ascertained, are all of his heirs.

| <u>Name</u> | <u>Age</u> | <u>Relationship</u> | <u>Address</u> |
|-----------------------|--------------|---------------------|---|
| <u>Jane Roe</u> | <u>Adult</u> | <u>Wife</u> | <u>Route 1, Hometown, Kansas, 66698</u> |
| <u>Harry J. Roe</u> | <u>Adult</u> | <u>Son</u> | <u>1220 Main Street, Metropolis, Kansas 66650</u> |
| <u>Susan R. Brown</u> | <u>Adult</u> | <u>Daughter</u> | <u>Dry Creek, Colorado 79100</u> |
| <u>George J. Roe</u> | <u>Adult</u> | <u>Son</u> | <u>Dry Creek, Colorado 79100</u> |

5. That the decedent had no spouse or children or adopted children, or issue of deceased children, natural or adopted, or other heirs who survived him, other than the persons above named.

6. That the names and addresses of the duly appointed legal representatives of the heirs above named are:

| <u>Name</u> | <u>Representative Capacity</u> | <u>Address</u> |
|-------------|--------------------------------|----------------|
| | (NONE) | |

7. That the decedent owned at the time of his death, the following described real estate situated in Apache County, Kansas:

(a)

The Northeast quarter of Section 26, Township 20, South, Range 30, West of the 6th P. M., containing 160 acres, more or less; and that said real estate was set aside for the use of Jane Roe, widow of the decedent as her homestead, by order of this Court, dated the 19th day of September, 1972, and that title to said real estate should be assigned to the heirs above named, subject to the homestead rights of said widow.

(b)

The Northeast quarter of the Northeast quarter of Section 10, Township 20, South, Range 30, West of the 6th P. M., containing 40 acres, more or less, together with all improvements situated thereon.

8. That a full, true and correct account by the Petitioner of the administration of the Estate is attached hereto, marked "Exhibit A" and made a part hereof.

9. All taxes imposed by the state of Kansas and by the United States have been paid; all demands against the Estate of the decedent have been paid as authorized by law or the Orders of the Court, and the time for filing of demands has expired.

10. That the Petitioner has performed valuable services in said Estate as Administrator, and shows that he has employed Pleader, Pleader & Tryor as his attorneys; that these attorneys have performed valuable services in this Estate and that an allowance should be made for his services and the services of said attorneys as follows:

(a) To the Administrator for his compensation in the sum of \$ _____ and expenses in the sum of \$ _____.

(b) To the Administrator for his attorneys' fees in the sum of \$ _____ and their expenses in the sum of \$ _____.

WHEREFORE, Petitioner prays that his acts be approved; that his account be settled and allowed; that the Estate be assigned to the persons entitled thereto; that the Court find that the allowances requested for Administrator's compensation and expenses, attorneys' fees and expenses are reasonable and should be allowed; that the court costs be determined and ordered paid; that the administration of the Estate be closed; that upon the filing of receipts the Petitioner be finally discharged as the Administrator of the Estate of Richard Roe, deceased, and that he and the surety on his bond be released from further liability.

HARRY J. ROE

Petitioner

(VERIFICATION)

(See Form No. 201 for verification)

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Petitioner

Exhibit "A"

For the form of the Accounting of the Petitioner, follow generally Exhibit "A" in the Testate Estate, which appears therein as pages 5 and 6 of Form No. 137.

Reference: K. S. A. 59-1401; 59-1501; 59-1502; 59-2204; 59-2247; 59-2249; 79-303; 79-1522; 79-2903; 79-3112; 79-3220 (*d*); Internal Revenue Code Section 2002 and Internal Revenue Code Section 641 (*b*).

Time: The Petition for Final Settlement must be filed in accordance with K. S. A. 59-1501.

Comment: The Petition should recite the names, ages, relationships and addresses of all heirs, so far as known or can with reasonable diligence be ascertained. See *In Re Barnes*, 212 Kan. 502.

If no interested party is in the service, an Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act, Form No. 110, must be filed on or before the date of the hearing on the Petition. Similarly, if interested parties are in the service or under any legal disability, written defenses are required. See generally Forms No. 109 and 114.

If there are legal representatives, they must be named and notice must be given to each of them.

(217)

Order for Hearing

See Form No. 104, as to: (1) Form and
(2) Time.

Reference: K. S. A. 59-2209; 59-2247.

Comment: Notice by publication is required by K. S. A. 59-2247.

(218)

First published in the Metropolis Herald , Monday , the 8th day of May , 19 73 .

(CAPTION)

Notice of Hearing

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by Harry J. Roe , duly appointed, qualified and acting Administrator of the Estate of Richard Roe , deceased, praying that his acts be approved; that his account be settled and allowed; that the Estate be assigned to the persons entitled thereto; that fees and expenses be allowed; that costs be determined and ordered paid; that the administration of the Estate be closed; that the Administrator be discharged and that he and the surety on his bond be released from further liability.

You are required to file your written defenses thereto on or before the 1st day of June , 19 73 , 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 the Petition.

HARRY J. ROE

Administrator

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Administrator

TO THE PUBLISHER: Please publish for three consecutive Mondays , commencing the 8th day of May , 19 73 . Immediately after the first publication, please forward _____ copies of the above and foregoing Notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas 66648 . Immediately after the third publication, make your proof of publication to the Probate Court, Courthouse, with copy to this office.

Reference: K. S. A. 59-2208; 59-2209; 59-2210; 59-2247.

Time: The Notice of Hearing shall be published once a week for three consecutive weeks with the first publication within ten days of the Order for Hearing.

(219)

Proceedings Under Soldiers' and Sailors' Civil Relief Act

The forms relating to proceedings under the Soldiers' and Sailors' Civil Relief Act are in the section containing Testate Forms. The pertinent forms are numbered 110 to 114 and are titled as follows:

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---|
| 110 | Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 111 | Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 112 | Order for Hearing |
| 113 | Order Appointing Attorney to Represent Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 114 | Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act |

(220)

Proceedings for Appointment of Guardians Ad Litem

The forms relating to appointment of Guardians ad litem are in the section containing Testate Forms. The pertinent forms are numbered 106 to 109 and are titled as follows:

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---|
| 106 | Petition for Appointment of Guardian Ad Litem |
| 107 | Order for Hearing |
| 108 | Order Appointing Guardian Ad Litem |
| 109 | Written Defenses of Guardian Ad Litem |

(221)

Affidavit of Publication

See Form No. 119, as to: (1) Form,
 (2) Reference,
 (3) Time, and
 (4) Comment.

(222)

Affidavit of Service

See Form No. 115, as to: (1) Form (generally),
 (2) Reference,
 (3) Time, and
 (4) Comment.

(223)

(CAPTION)

Journal Entry of Final Settlement

Now on this 1st day of June, 1973, comes on for hearing the Petition for Final Settlement filed by Harry J. Roe, Administrator of the Estate of Richard Roe, deceased.

The Petitioner appears in person and by his attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises the Court finds:

1. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, and notice of this hearing has been given as required by law and the order of this Court and that proof thereof has been duly filed herein and is hereby approved.

2. That the allegations of the Petitions are true.

3. That all the terms and provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, have been complied with.

4. That all taxes imposed by the state of Kansas and by the United States have been paid; all demands against the Estate of the decedent have been paid as authorized by law or the orders of the Court, and the time for filing of demands has expired.

5. That the decedent owned at the time of his death, the following described real estate situated in Apache County, Kansas:

The residence of the decedent located on the Northeast quarter of Section 26, Township 20, South, Range 30, West of the 6th P. M., containing 160 acres, more or less.

The Northeast quarter of the Northeast quarter of Section 10, Township 20, South, Range 30, West of the 6th P. M., containing 40 acres, more or less, together with all improvements thereon.

6. That the Petitioner has filed herein a full and complete accounting of his receipts and disbursements as Administrator, which are summarized as follows:

| | |
|----------------------------|--------------------|
| Receipts | <u>\$75,625.00</u> |
| Disbursements | <u>\$9,678.00</u> |
| Balance Cash on Hand | <u>\$65,947.00</u> |

That the Petitioner, since filing his Petition for Final Settlement, has received the following:

| | |
|------------------------------------|----------------|
| <u>Rent</u> | <u>\$50.00</u> |
| <u>K. P. & L. Refund</u> | <u>\$20.00</u> |
| <u>Telephone Refund</u> | <u>\$6.00</u> |
| Total | <u>\$76.00</u> |

and made the following disbursements:

| | |
|---|----------------|
| <u>Lawn Care</u> | <u>\$8.00</u> |
| <u>Trash Hauling</u> | <u>\$12.50</u> |
| <u>Gas Bill</u> | <u>\$7.00</u> |
| <u>Advance Payment of State Intangibles Tax</u> | <u>\$26.00</u> |
| Total | <u>\$55.00</u> |

leaving a cash balance on hand of

| |
|--------------------|
| <u>\$65,968.00</u> |
|--------------------|

7. That the account attached to the Petition and the supplemental account should be settled and allowed and all of the acts and proceedings of the Administrator have been in accordance with the law and the orders of this Court and are approved.

8. That the names, ages and relationships of the heirs who are entitled to the Estate and their respective proportions are:

| <u>Name</u> | <u>Age</u> | <u>Relationship</u> | <u>Proportion</u> |
|-----------------------|--------------|---------------------|-------------------|
| <u>Jane Roe</u> | <u>Adult</u> | <u>Wife</u> | <u>One-half</u> |
| <u>Harry J. Roe</u> | <u>Adult</u> | <u>Son</u> | <u>One-sixth</u> |
| <u>George J. Roe</u> | <u>Adult</u> | <u>Son</u> | <u>One-sixth</u> |
| <u>Susan R. Brown</u> | <u>Adult</u> | <u>Daughter</u> | <u>One-sixth</u> |

9. That Harry J. Roe is entitled to compensation for his services as Administrator ; that he has employed Pleader, Pleader & Tryor as his attorneys in this Estate; that there are costs due this Court; that the following fees, expenses and costs are reasonable and should be paid:

- (a) To the Administrator for his services in the sum of \$ _____ and his expenses in the sum of \$ _____ .
- (b) To the Administrator for his attorneys' fees in the sum of \$ _____ and their expenses in the sum of \$ _____ .
- (c) To the Court for costs in the sum of \$ _____ .

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of this Court.

(B) That the accounts of Harry J. Roe , Administrator of the Estate of Richard Roe , deceased, are settled and allowed and all of his acts and proceedings are approved and that he be and is authorized and directed to pay the fees, expenses and costs set out in paragraph 9 above.

(C) That after the payment of fees, expenses and costs the remaining personal property in the hands of the Administrator , subject to any lawful disposition heretofore made is assigned as follows:

| <u>Name</u> | <u>Proportion</u> |
|---------------------------|-------------------|
| (1) <u>Jane Roe</u> | <u>One-half</u> |
| (2) <u>Harry J. Roe</u> | <u>One-sixth</u> |
| (3) <u>Susan R. Brown</u> | <u>One-sixth</u> |
| (4) <u>George J. Roe</u> | <u>One-sixth</u> |

(D) That the following described real estate situated in Apache County, Kansas to wit:

The residence of the decedent located on the Northeast quarter of Section 26, Township 20, South, Range 30, West of the 6th P. M., containing 160 acres, more or less, subject to the homestead rights of Jane Roe.

The Northeast quarter of the Northeast quarter of Section 10, Township 20, South, Range 30, West of the 6th P. M., containing 40 acres, more or less, together with all improvements thereon

and all other personal property, and Kansas real estate owned by the decedent at the date of his death, subject to any lawful disposition heretofore made,

including the homestead rights of Jane Roe, widow of Richard Roe, deceased, as heretofore ordered by the Court on the 19th day of September, 1972 , is assigned as follows:

| <u>Name</u> | <u>Interest</u> |
|-----------------------|-------------------------------------|
| <u>Jane Roe</u> | <u>Undivided one-half interest</u> |
| <u>Harry J. Roe</u> | <u>Undivided one-sixth interest</u> |
| <u>Susan R. Brown</u> | <u>Undivided one-sixth interest</u> |
| <u>George J. Roe</u> | <u>Undivided one-sixth interest</u> |

(E) That upon the filing of proper receipts, the administration of the Estate shall be closed, Harry J. Roe shall be finally discharged as Administrator of the Estate of Richard Roe , deceased, and he together with the surety on his bond shall be released from further liability.

A. L. MANN

Probate Judge

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Administrator

Reference: K. S. A. 59-2249.

Time: The Journal Entry of Final Settlement shall not be entered sooner than nine months after the date of death of the decedent and not sooner than six months after the first publication of the Notice of Appointment, whichever is later.

Comment: If assets include personal property to be distributed in kind, appropriate description and assignment should be contained in the Journal Entry to satisfy requirements for transfer of title.

No decree shall be entered until after the determination and payment of inheritance tax, if any.

No decree should be entered until after determination and payment of federal estate tax, if any.

Paragraph 1 of the findings is intended to comply with *In Re Barnes*, 212 Kan. 502.

(224)

(CAPTION)

Receipt

Received of Harry J. Roe , Administrator of the Estate of Richard Roe , deceased, \$ _____ , in full satisfaction of my distributive share in said Estate, per Journal Entry of Final Settlement.

Dated this 1st day of June , 19 73 .

SUSAN R. BROWN

Reference: K. S. A. 59-1718.

Time: After the Journal Entry of Final Settlement.

Comment: Similar receipts should be procured from all persons, firms and organizations receiving any payments or distributions pursuant to the Journal Entry of Final Settlement.

(225)

(CAPTION)

Journal Entry of Final Discharge

Now on this 20th day of June, 19 73, comes Harry J. Roe, Administrator of the Estate of Richard Roe, deceased, and files his receipts showing that he has fully complied with the Journal Entry of Final Settlement entered herein and the Court finds that he should be finally discharged.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that Harry J. Roe, be and he is hereby finally discharged as Administrator of the Estate of Richard Roe, deceased, and he and the surety on his bond are hereby released from any and all further liability.

A. L. MANN

Probate Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Administrator

Reference: K. S. A. 59-1718.

Time: Whenever the receipts are filed and all orders of the court have been complied with in all respects.

INDEX TO STATUTORY ALLOWANCE FORMS

| <i>Form No.</i> | <i>Title</i> |
|-----------------|----------------------------------|
| 301 | Petition For Statutory Allowance |
| 302 | Order For Hearing |
| 303 | Notice of Hearing |
| 304 | Affidavit of Service |
| 305 | Order For Statutory Allowance |
| 306 | Receipt |

(301)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

IN THE MATTER OF THE ESTATE OF }
JOHN DOE , DECEASED }

No. 4000

Petition for Statutory Allowance

COMES NOW Mary Doe and alleges:

1. That she is a resident of Apache County, Kansas, and that her address is Route 1, Hometown, Kansas 66648 .

2. That she is the surviving spouse of the decedent; that the decedent left no minor children .

3. That certain personal property and money owned by the decedent at the time of his death as shown by the inventory and appraisement should be set apart to her for her use and benefit as authorized and described as follows:

(a) Pursuant to K. S. A. 59-403 (1):

- (1) Furniture
- (2) Household Goods
- (3) Wearing Apparel,

used in the home of the decedent.

(4) Automobile (1969 Model Chevrolet 3-dr. Sedan, Id. No. 1234567890).

(b) Pursuant to K. S. A. 59-403 (2) the sum of \$3,500 consisting of the following:

- (1) An allowance of \$3,000 in money
- (2) 25 Shares, Kansas Power & Light Common Stock at \$20 (Certificate No. 508) of the appraised value of \$500.

WHEREFORE, Petitioner prays that the personal property above described, together with the sum of money specified, be set aside to Mary Doe free and clear of the payment of any of decedent's debts or other demands against his Estate, except liens thereon existing at the time of his death.

MARY DOE

Petitioner

STATE OF KANSAS }
COUNTY OF APACHE } ss:

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

That she is the Petitioner above named; that she has read the above Petition to Set Apart Statutory Allowance; that she knows the content thereof, and that all the statements therein made are true.

MARY DOE

Petitioner

SUBSCRIBED AND SWORN TO before me this 19th day of August ,
19 72 .

NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:

January 10, 1974

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-403, 59-404; 59-2235.

Time: The Application may be made any time after the Inventory and Appraisement is filed, and may be heard with or without notice.

Comment: The amount of the widow's allowance is to be determined by the Court based upon the condition of the estate, subject to a statutory minimum of \$750 and a maximum of \$3,500.

If minor children, not living with the surviving spouse, are involved the Court may apportion the allowance pursuant to K. S. A. 59-403 and a guardian ad litem should be appointed prior to the hearing [see forms 106 to 109].

(302)

Order for Hearing

If to be heard immediately see Form 107 as to: (1) Form,
(2) Time, and
(3) Comment.

Reference: K. S. A. 59-2234.

or

If to be heard with notice see Form 129 as to: (1) Form,
(2) Reference,
(3) Time, and
(4) Comment.

(303)

(CAPTION)

Notice of Hearing

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by Mary Doe , Widow of John Doe , deceased, praying that the following de-

scribed personal property owned by the decedent at the time of his death, to wit:

1. Furniture
2. Household Goods
3. Wearing Apparel
4. Automobile (1969 Model Chevrolet 4-dr. Sedan, Id. No. 1234567890)
5. An allowance of \$3,000.00 in money
6. 25 Shares, Kansas Power & Light Common Stock at \$20 (Certificate No. 508) of the appraised value of \$500.00

be set apart to her for her use and benefit as a statutory allowance free and clear of the payment of any of decedent's debts or other demands against his Estate, except liens thereon existing at the time of his death.

You are required to file your written defenses thereto on or before the 3rd day of September, 19 72, 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 the Petition.

MARY DOE

Petitioner

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Petitioner

Reference: K. S. A. 59-2208; 59-2210.

(304)

Affidavit of Service

See Form No. 131, as to: (1) Form,
(2) Reference,
(3) Time, and
(4) Comment.

(305)

(CAPTION)

Order for Statutory Allowance

Now on this 3rd day of September, 19 72, comes on for hearing the Petition For Statutory Allowance filed by Mary Doe.

The Petitioner appears in person and by her attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed herein and is hereby approved.

2. That the allegations of the Petition are true.

3. That the Petitioner is the surviving spouse of the decedent; that the decedent left no minor children.

4. That the Petitioner is entitled to have the personal property selected by her pursuant to K. S. A. 59-403 (1), set apart to her for her use and benefit.

5. That the Petitioner is entitled to the allowance requested by her pursuant to K. S. A. 59-403 (2), which allowance is determined by the Court to be reasonable after taking into account the condition of the Estate of the decedent.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove be and the same are made a part of the order and the decree of this Court.

(B) That the following items of personal property and money are hereby allowed to Mary Doe, widow of John Doe, deceased, from decedent's Estate:

(1) Pursuant to K. S. A. 59-403 (1):

(a) Furniture

(b) Household Goods

(c) Wearing Apparel

(d) Automobile (1969 Model Chevrolet 4-dr. Sedan, Id. No. 1234567890)

(2) Pursuant to K. S. A. 59-403 (2):

The Sum of \$3,500 consisting of the following:

(a) An allowance of \$3,000 in money

(b) 25 Shares, Kansas Power & Light Common Stock at \$20 (Certificate No. 508) of the appraised value of \$500.

(C) That said property shall not be liable for the payment of any of the decedent's debts or other demands against his Estate, except liens thereon existing at the time of his death.

A. L. MANN

Probate Judge

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-403; 59-404; 59-2235.

Time: The Order will usually issue on the day of the hearing.

Comment: The amount of the widow's allowance is to be determined by the Court based upon the condition of the Estate, subject to a statutory minimum of \$750 and a maximum of \$3,500.

(306)

(CAPTION)

Receipt

Received of Mary Doe , Executrix of the Estate of John Doe , deceased, the following:

- (a) Furniture
- (b) Household Goods
- (c) Wearing Apparel
- (d) Automobile (1969 Model Chevrolet 4-dr. Sedan, Id. No. 1234567890)
- (e) The sum of \$3,500 consisting of the following:
 - (1) An Allowance of \$3,000 in money
 - (2) 25 Shares, Kansas Power & Light Common Stock at \$20 (Certificate No. 508) of the appraised value of \$500

as authorized by the Order of Statutory Allowance of this Court.

Dated this 10th day of September , 19 72 .

MARY DOE

Reference: K. S. A. 59-1718.

Comment: Although payment and distribution is made in accordance with the Order of the Court, a Receipt or other evidence of payment must be filed.

Index to Setting Apart of Homestead Forms

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---------------------------------|
| 310 | Petition to Set Apart Homestead |
| 311 | Order for Hearing |
| 312 | Notice of Hearing |
| 313 | Affidavit of Service |
| 314 | Order Setting Apart Homestead |

(310)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

IN THE MATTER OF THE ESTATE OF }
JOHN DOE , DECEASED }

No. 4000

Petition to Set Apart Homestead

COMES NOW Mary Doe and alleges:

1. That she is a resident of Apache County, Kansas, and that her address is Route 1, Hometown, Kansas 66648 .
2. That she is the surviving spouse of the decedent; that the decedent left no minor children ; that she has a homestead interest in real estate owned and

occupied as a residence by the decedent and his family at the time of his death, described as follows:

The Northeast quarter of Section 26, Township 20, South, Range 30, West of the 6th P. M., containing 160 acres, more or less, Apache County, Kansas.

3. That said real estate, since the date of decedent's death, has been and is now occupied by said Mary Doe as a residence and the same should be set apart to her as a homestead pursuant to K. S. A. 59-401 for her use and benefit.

WHEREFORE, Petitioner prays that the above described real estate together with all improvements thereon be determined to be a homestead and be set aside to Mary Doe, free and clear of the payment of any decedent's debts or other demands against decedent's Estate, except as provided by K. S. A. 59-401.

MARY DOE

Petitioner

STATE OF KANSAS }
COUNTY OF APACHE } ss:

MARY DOE, of lawful age, being first duly sworn on her oath, states:

That she is the Petitioner above named; that she has read the above Petition to Set Apart Homestead; that she knows the content thereof, and that all the statements therein made are true.

MARY DOE

Petitioner

SUBSCRIBED AND SWORN TO before me this 19th day of August, 19 72.

NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:

January 10, 1974

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-401; 59-402; 59-2235.

Time: The Homestead should not be set aside until after the Inventory and Appraisalment is filed.

(311)

Order for Hearing

If to be heard immediately see Form 107 as to: (1) Form,
(2) Time, and
(3) Comment.

Reference: K. S. A. 59-2235.

or

If to be heard after Notice see Form 129 as to: (1) Form,
 (2) Reference,
 (3) Time, and
 (4) Comment.

(312)

(CAPTION)

Notice of Hearing

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by Mary Doe, widow of John Doe, deceased, praying that:

The Northeast quarter of Section 26, Township 20, South, Range 30, West of the 6th P. M., containing 160 acres, more or less, Apache County, Kansas

be determined to be a homestead and be set aside to Mary Doe together with all improvements thereon, free and clear of the payment of any of decedent's debts or other demands against decedent's Estate, except as otherwise provided by K. S. A. 59-401.

You are required to file your written defenses thereto on or before the 1st day of September, 19 72, 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 the Petition.

MARY DOE

Petitioner

PLEADER, PLEADER & TRYOR
 The Hometown State Bank Building
 Hometown, Kansas 66648
 Attorneys for Petitioner

Reference: K. S. A. 59-2209; 59-2210; 59-2235.

(313)

Affidavit of Service

See Form No. 131, as to: (1) Form,
 (2) Reference,
 (3) Time, and
 (4) Comment.

(314)

(CAPTION)

Order Setting Apart Homestead

Now on this 1st day of September, 19 72, comes on for hearing the Petition to Set Apart Homestead filed by Mary Doe.

The Petitioner appears in person and by her attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed herein and is hereby approved.

or

[1. That notice of the time and place of this hearing is not necessary or required by law.]

2. That the allegations of the Petition are true.

3. That Mary Doe is the surviving spouse of the decedent; that the decedent left no minor children; that she has a homestead interest in real estate owned and occupied as a residence by the decedent and his family at the time of his death, situated in Apache County, Kansas, described as follows:

The Northeast quarter of Section 26, Township 20, South, Range 30, West of the 6th P. M., containing 160 acres, more or less.

4. That said real estate, since the date of decedent's death, has been and is now occupied by said Mary Doe as a residence and the same should be set apart to her as a homestead pursuant to K. S. A. 59-401 for her use and benefit.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

A. That the findings hereinabove made be and the same are hereby made a part of the order and decree of this Court.

B. That the above described real estate, together with all improvements thereon, be and the same is hereby set apart to Mary Doe as her homestead free and clear of payment of any of decedent's debts or other demands against his Estate, except as provided by K. S. A. 59-401.

A. L. MANN

Probate Judge

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-401; 59-2235.

Time: The Order will usually issue on the day of the hearing.

INDEX TO SALE OF PERSONAL PROPERTY FORMS

(Private Sale)

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 320 | Petition for Sale of Personal Property at Private Sale |
| 321 | Order for Hearing |
| 322 | Notice of Hearing (If to be heard with Notice) |
| 323 | Affidavit of Service (If to be heard with Notice) |
| 324 | Order for Sale of Personal Property at Private Sale |
| 325 | Report of Sale of Personal Property at Private Sale |

(Public Auction)

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 330 | Petition for Sale of Personal Property at Public Auction |
| 331 | Order for Hearing |
| 332 | Notice of Hearing |
| 333 | Affidavit of Service |
| 334 | Order for Sale of Personal Property at Public Auction |
| 335 | Notice of Sale |
| 336 | Affidavit of Publication |
| 337 | Report of Sale of Personal Property at Public Auction |

(320)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

IN THE MATTER OF THE ESTATE OF
JOHN JONES , DECEASED

No. 1234

Petition for Sale of Personal Property at Private Sale

COMES NOW Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas, and his address is Route 2, Hometown, Kansas 66648 .

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones , deceased, by virtue of Letters of Administration granted to him by the Court on the 4th day of August , 19 72 .

3. That he has on hand certain personal property listed in the inventory and appraisement, not subject to statutory allowance in kind, to wit:

- (a) Certificate No. 1442 for 10 shares of common stock of Metropolis Development Company, Inc., appraised at \$150.00.
- (b) 1 1970 Ford Galaxy 2-dr., I. D. No. FD7162498, appraised at \$2,000.
- (c) 1 series "E" U. S. Savings Bond No. 1000001E issued June 6, 1972, maturity value \$500.00 appraised at \$375.00.

4. That it is necessary to sell said personal property to pay debts, taxes and expenses of administration.

5. That said personal property can be sold more advantageously at private sale.

6. That the Petitioner should be authorized to pay the costs of said sale.

WHEREFORE, Petitioner prays that he be authorized to sell and convert into cash the personal property above described and to execute all instruments required to transfer the ownership thereof; that he be authorized to surrender the U. S. Savings Bond for its cash value ; that the Court determine it is more advantageous to sell said personal property at private sale, and that he be authorized to pay the costs of said sale.

JACK O. JONES

Petitioner

STATE OF KANSAS
 COUNTY OF APACHE

} ss:

JACK O. JONES , of lawful age, being first duly sworn, upon his oath states:

That he is the Petitioner above named; that he has read the above Petition for Sale of Personal Property at Private Sale; that he knows the content thereof, and that all the statements therein made are true.

JACK O. JONES

SUBSCRIBED AND SWORN TO before me this 1st day of September , 19 72 .

NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:
January 10, 1974

PLEADER, PLEADER & TRYOR
 The Hometown State Bank Building
 Hometown, Kansas 66648
 Attorneys for Petitioner

Reference: K. S. A. 59-1405; 59-1407; 59-1413; 59-2204; 59-2242.

Time: Whenever necessary or desirable under 59-1407.

Comment: May be heard with or without notice.

If a Will authorizes the fiduciary to sell property he may exercise such power without order of the Court, unless the Will provides otherwise, and this form is not necessary.

In a testate estate the petition should contain an allegation in compliance with K. S. A. 59-1405.

(321)

Order for Hearing

If to be heard immediately see Form No. 107, as to: (1) Form, and
 (2) Time

Reference: K. S. A. 59-2204; 59-2208; 59-2242.

Comment: Notice is discretionary with the court and exercisable pursuant to K. S. A. 59-2208.

or

If to be heard with notice see Form No. 129, as to: (1) Form,
(2) Time, and
(3) Comment

Reference: K. S. A. 59-2204; 59-2208; 59-2210; 59-2242.

(322)

Notice of Hearing

If to be heard with Notice see Form No. 130, as to: (1) Form, and
(2) Reference

(323)

Affidavit of Service

If to be heard with Notice see Form No. 131, as to: (1) Form,
(2) Reference,
(3) Time, and
(4) Comment

(324)

(CAPTION)

Order for Sale of Personal Property at Private Sale

Now on this 15th day of September, 19 72, comes on for hearing the Petition for Sale of Personal Property at Private Sale filed by Jack O. Jones, Administrator.

The Petitioner appears in person and by his attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That notice of the time and place of hearing is not necessary or required by law.

or

[1. That notice of this hearing has been given as required by law or the order of this court and that proof thereof has been duly filed and is hereby approved.]

2. That the allegations of the Petition are true.

3. That the Petitioner has on hand certain personal property listed in the inventory and appraisal, not subject to statutory allowance in kind, to wit:

- (a) Certificate No. 1442 for 10 shares of Common Stock of Metropolis Development Company, Inc., appraised at \$150.00.
- (b) 1 1970 Ford Galaxy 2-dr., I. D. No. FD7162498, appraised at \$2,000.00.
- (c) 1 series "E" U. S. Savings Bond No. 1000001E issued June 6, 1972, maturity value \$500.00 appraised at \$375.00.

4. That it is necessary to sell said personal property to pay debts, taxes and expenses of administration.

5. That said personal property can be sold more advantageously at private sale.

6. That the Petitioner should be authorized to pay the costs of said sale.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the Petitioner is authorized and directed to sell and convert into cash the personal property hereinabove described and to execute all instruments required to transfer the ownership, and to surrender the U. S. Savings Bond for its cash value.

(C) That said personal property shall be sold at private sale for not less than three-fourths of the appraised value thereof, and that the petitioner be authorized to pay the costs of said sale.

A. L. MANN

Probate Judge

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-1407; 59-2242; 59-2243; 59-2244.

Time: Without notice, on filing of petition, or with notice at such time as the Court may order.

(325)

(CAPTION)

Report of Sale of Personal Property at Private Sale

COMES NOW Jack O. Jones and reports:

1. That he is a resident of Apache County, Kansas, and his address is Route 1, Hometown, Kansas 66648.

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones , deceased, by virtue of Letters of Administration granted to him by the Court on the 4th day of August , 19 72 .

3. That pursuant to an Order entered the 15th day of September , 19 72 , he sold and surrendered the following described personal property:

| <u>Property</u> | <u>Buyer</u> | <u>Date of Sale</u> | <u>Price</u> |
|--|----------------------|---------------------|-------------------|
| <u>10 shares of the common stock of the Metropolis Development Company, Inc.</u> | <u>Z. Z. Smith</u> | <u>9/16/72</u> | <u>\$ 125.00</u> |
| <u>1 1970 Ford Galaxy 2-dr. Id. No. FD 7162498</u> | <u>A. S. Climber</u> | <u>9/17/72</u> | <u>\$2,000.00</u> |
| <u>1 Series "E" U. S. Savings Bond No. 1000001E issued June 6, 1972</u> | | <u>9/18/72</u> | <u>\$ 375.00</u> |

and executed all instruments required to transfer ownership thereof.

4. That the prices and terms were the best offers for the above described property and more than three-fourths of the appraised values thereof.

5. That he did not directly or indirectly purchase any interest in the above described property and he is not interested in the purchase of the property sold by him.

6. That the sale was conducted in all respects as provided by law and the Order of this Court.

JACK O. JONES
Administrator

STATE OF KANSAS }
COUNTY OF APACHE } ss:

Jack O. Jones , of lawful age, being first duly sworn, on his oath, states: That he is the Administrator above named; that he has read the above Report of Sale of Personal Property at Private Sale; that he knows the content thereof, and that all the statements therein made are true.

JACK O. JONES

SUBSCRIBED AND SWORN TO before me this 20th day of September , 19 72 .

NEVA WRIGHT
Notary Public

(SEAL)

My Commission Expires
January 10, 1974

SUBMITTED BY:
PLEADER, PLEADER & TRYOR
BY: W. B. PLEADER
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Administrator

Reference: K. S. A. 59-1703; 59-2245.

Time: The Report must be made within thirty days of the sale.

(330)

(CAPTION)

Petition for Sale of Personal Property at Public Auction

COMES NOW Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas, and his address is Route 1, Hometown, Kansas 66648 .

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones , deceased, by virtue of Letters of Administration granted to him by the Court on the 4th day of August , 19 72 .

3. That he has on hand certain personal property listed in the inventory and appraisement, not subject to statutory allowance in kind, to wit:

(a) 1 1953 John Deere Tractor, serial No. XY3 123, appraised at \$1,000.

(b) 1 1958 John Deere Combine, serial No. WQR 321, appraised at \$3,000.

4. That it is necessary to sell said personal property to pay debts, taxes and expenses of administration .

5. That said personal property can be sold more advantageously at public auction.

6. That the Petitioner should be authorized to pay the costs of said sale, including the expense of employing an auctioneer .

WHEREFORE, Petitioner prays that he be authorized to sell and convert into cash the personal property above described and to execute all instruments required to transfer the ownership thereof; that the Court determine it is more advantageous to sell said personal property at public auction, and that he be authorized to pay the costs of said sale, including the expense of employing an auctioneer .

JACK O. JONES
Petitioner

(VERIFICATION)

(See Form No. 320 for verification)

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Petitioner

Reference: K. S. A. 59-1405; 59-1407; 59-1413; 59-2204; 59-2242.

Time: Whenever necessary or desirable under 59-1407.

Comment: May be heard with or without notice.

If a Will authorizes the fiduciary to sell property he may exercise such power without order of the Court, unless the Will provides otherwise, and this form is not necessary.

In a testate estate the petition should contain an allegation in compliance with K. S. A. 59-1405.

(331)

Order for Hearing

See Form No. 302, as to: (1) Form, and
(2) Time.

Reference: K. S. A. 59-2204; 59-2208; 59-2242.

Comment: Notice is discretionary with the Court and exercisable pursuant to K. S. A. 59-2208.

(332)

Notice of Hearing

If to be heard with Notice see Form No. 130, as to: (1) Form, and
(2) Reference.

(333)

Affidavit of Service

If to be heard with Notice see form No. 131, as to: (1) Form,
(2) Reference,
(3) Time, and
(4) Comment.

(334)

(CAPTION)

Order for Sale of Personal Property at Public Auction

Now on this 15th day of September, 19 72, comes on for hearing the Petition for Sale of Personal Property at Public Auction filed by Jack O. Jones, Administrator of the Estate of John O. Jones, deceased.

The Petitioner appears in person and by his attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That notice of the time and place of hearing is not necessary or required by law.

or

[1. That notice of this hearing has been given as required by law and the order of this Court and that proof thereof has been duly filed and is hereby approved.]

2. That the allegations of the Petition are true.

3. That the Petitioner has on hand certain personal property listed in the inventory and appraisalment, not subject to statutory allowance in kind, to wit:

(a)

1 1953 John Deere Tractor, serial No. XY3 123, appraised at \$1,000.

(b)

1 1958 John Deere Combine, serial No. WQR 321, appraised at \$3,000.

4. That it is necessary to sell said personal property to pay debts, taxes and expenses of administration

5. That said personal property can be sold more advantageously at public auction.

6. That the Petitioner should be authorized to pay the costs of said sale, including the expense of employing an auctioneer

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the Petitioner is authorized and directed to sell and convert into cash the personal property hereinabove described and to execute all instruments required to transfer the ownership thereof.

(C) That said personal property shall be sold at public auction after notice thereof has been given as required by law and that the Petitioner be authorized to pay the costs of said sale, including the expense of employing an auctioneer

A. L. MANN

Probate Judge

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-1407; 59-2242; 59-2243; 59-2244.

Time: Order may be issued without notice, on filing of petition, or with notice at such time as the Court may order.

(335)

First published in the Metropolis Herald , Monday , the 20th day of September , 19 72 .

(CAPTION)

Notice of Sale

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that Jack O. Jones , Administrator of the above entitled Estate, will offer for sale at public auction the following described personal property:

(a)

1 1953 John Deere Tractor, serial No. XY3 123, appraised at \$1,000.

(b)

1 1958 John Deere Combine, serial No. WQR 321, appraised at \$3,000

on the 5th day of October , 19 72 , at ten o'clock a. m. upon the premises of the Green Auction Company, 220 Main, Hometown, Kansas 66648 to the highest bidder for cash. All parties interested should take notice and govern themselves accordingly.

JACK O. JONES

Administrator

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Administrator

TO THE PUBLISHER: Please publish for two consecutive Mondays , commencing with the 20th day of September , 19 72 . Immediately after the first publication, please forward _____ copies of the above and foregoing notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas 66648 . Immediately after the second publication, make your proof of publication to the Probate Court, Courthouse, with copy to this office.

Reference: K. S. A. 59-2243; 64-102.

Time: The notice shall be published for ten days in the county where the sale is to be held.

Comment: In order to get maximum benefit of advertising some attorneys embody the above information on a "block type advertisement."

(336)

Affidavit of Publication

See Form No. 119, as to: (1) Form,
 (2) Reference,
 (3) Time, and
 (4) Comment.

(337)

(CAPTION)

Report of Sale of Personal Property at Public Auction

COMES NOW Jack O. Jones and reports:

1. That he is a resident of Apache County, Kansas, and his address is Route 1, Hometown, Kansas 66648.
2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted to him by the Court on the 4th day of August, 19 72.
3. That pursuant to an Order entered the 15th day of September, 19 72, he employed John Green as auctioneer and sold on the 5th day of October, 19 72, at public auction all of the personal property described in said order, to the persons and for prices listed in the sale bill signed by the clerk, attached hereto and made a part hereof. The gross proceeds of said sale amounted to \$3,500, and the expenses thereof were as follows:
 - (a) Advertising expenses \$23.00.
 - (b) Auctioneer's commission \$175.00.
4. The prices and terms were the best offers for the above mentioned property.
5. That he did not directly or indirectly purchase any interest in the above described property and he is not interested in the purchase of the property sold by him.
6. That the sale was conducted in all respects as provided by law and the Order of this Court.

JACK O. JONES
Administrator

(VERIFICATION)

(See Form No. 320 for Verification)

SUBMITTED BY:
 PLEADER, PLEADER & TRYOR
 BY: W. B. PLEADER
 The Hometown State Bank Building
 Hometown, Kansas 66648
 Attorneys for Administrator

Reference: K. S. A. 59-1703; 59-2245.

Time: The Report shall be made within thirty days of the sale.

Comment: If a clerk was employed for such sale, a sale bill signed by the clerk should accompany the Report.

INDEX TO SALE OF REAL ESTATE FORMS

(Private Sale)

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 340 | Petition for Sale of Real Estate at Private Sale |
| 341 | Order for Hearing |
| 342 | Notice of Hearing |
| 343 | Affidavit of Publication |
| 344 | Affidavit of Service |
| 345 | Proceedings Under Soldiers' and Sailors' Civil Relief Act |
| 346 | Proceedings for Appointment of Guardians Ad Litem |
| 347 | Order to Sell Real Estate at Private Sale |
| 348 | Report of Appraisers |
| 349 | Rider to be attached to Bond of <u>Administrator</u> , <u>Jack O. Jones</u> , on File Herein |
| 350 | Report and Petition for Confirmation of Sale of Real Estate at Private Sale |
| 351 | Order Confirming Sale of Real Estate at Private Sale |
| 352 | Administrator's Deed |

(Public Auction)

| <i>Form No.</i> | <i>Title</i> |
|-----------------|--|
| 360 | Petition for Sale of Real Estate at Public Auction |
| 361 | Order for Hearing |
| 362 | Notice of Hearing |
| 363 | Affidavit of Publication |
| 364 | Affidavit of Service |
| 365 | Proceedings Under Soldiers' and Sailors' Civil Relief Act |
| 366 | Proceedings for Appointment of Guardians Ad Litem |
| 367 | Order to Sell Real Estate at Public Auction |
| 368 | Notice of Sale |
| 369 | Affidavit of Publication |
| 370 | Rider to be Attached to Bond of <u>Administrator</u> , <u>Jack O. Jones</u> , on File Herein |
| 371 | Report and Petition for Confirmation of Sale of Real Estate at Public Auction |
| 372 | Order Confirming Sale of Real Estate at Public Auction |
| 373 | Administrator's Deed |

(340)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

IN THE MATTER OF THE ESTATE }
of JOHN JONES , DECEASED }

No. 4321

Petition for Sale of Real Estate at Private Sale

COMES NOW Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas, and his address is Route 1, Hometown, Kansas 66648 .

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones , deceased, by virtue of Letters of Administration granted to him by this Court on the 4th day of August , 19 72 .

3. That certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; that this Estate is subject to the payment of debts, taxes and costs of administration, and there are insufficient funds and personal property to pay them.

4. That the decedent at the time of his death, owned the following described real estate situated in Apache County, Kansas:

The Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less.

5. That the above described real estate is not a homestead and is subject to the payment of debts of the decedent; that it is necessary to sell said real estate for the payment of debts, taxes and costs of administration ; that it can be more advantageously sold at private sale.

6. That the Administrator be authorized to pay the costs of said sale including an abstract of title or policy of title insurance and a real estate commission .

7. That the above described real estate was appraised July 15, 1972 , and reappraisal is not required if the sale of said real estate can be accomplished on or before July 15, 1973 .

or

[7. That more than one year has elapsed since said real estate was appraised, a new appraisal is required, and appraisers should be appointed for that purpose.]

WHEREFORE, Petitioner prays for an Order of this Court finding that it is necessary to sell the above described real estate and that it is the best interests of the Estate that the above described real estate be sold at private sale [; that appraisers be appointed to appraise said real estate] and that the Administrator be authorized to pay the cost of said sale including an abstract of title or policy of title insurance and a real estate commission .

JACK O. JONES

Petitioner

STATE OF KANSAS }
COUNTY OF APACHE } ss:

Jack O. Jones, of lawful age, being first duly sworn, upon his oath, states:

That he is the Petitioner above named; that he has read the above Petition to Sell Real Estate at Private Sale; that he knows the content thereof, and that all the statements therein made are true.

JACK O. JONES

SUBSCRIBED AND SWORN TO before me this 1st day of September, 19 72.

NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:

January 10, 1974

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-1202; 59-1203; 59-1410; 59-1412; 59-2201; 59-2202; 59-2303; 59-2305; 59-2307; 59-2312.

Tme: Whenever necessary under 59-1410.

(341)

Order for Hearing

See Form No. 104, as to: (1) Form, and
(2) Time.

Reference: K. S. A. 59-2204; 59-2209; 59-2210; 59-2304.

(342)

Notice of Hearing

See Form No. 105, as to: (1) Form, and
(2) Time.

Reference: K. S. A. 59-2209; 59-2210; 59-2304.

(343)

Affidavit of Publication

See Form No. 119, as to: (1) Form,
 (2) Time, and
 (3) Comment.

Reference: K. S. A. 59-2209; 59-2211; 59-2304; 64-101.

(344)

Affidavit of Service

See Form No. 115, as to: (1) Form,
 (2) Reference,
 (3) Time, and
 (4) Comment.

(345)

Proceedings Under Soldiers' and Sailors' Civil Relief Act

The forms relating to proceedings under the Soldiers' and Sailors' Civil Relief Act are in the section containing Testate Forms. The pertinent forms are numbered 110 to 114 and are titled as follows:

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---|
| 110 | Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 111 | Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 112 | Order for Hearing |
| 113 | Order Appointing Attorney to Represent Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 114 | Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act |

(346)

Proceedings for Appointment of Guardians Ad Litem

The forms relating to appointment of Guardians ad litem are in the section containing Testate Forms. The pertinent forms are numbered 106 to 109 and are titled as follows:

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---|
| 106 | Petition for Appointment of Guardian Ad Litem |
| 107 | Order for Hearing |
| 108 | Order Appointing Guardian Ad Litem |
| 109 | Written Defenses of Guardian Ad Litem |

(347)

(CAPTION)

Order for Sale of Real Estate at Private Sale

Now on this 25th day of September, 1972, comes on for hearing the Petition for Sale of Real Estate at Private Sale, filed by Jack O. Jones, Administrator of the Estate of John Jones, deceased.

The Petitioner appears in person and by his attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, and notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed herein and is hereby approved.

2. That the allegations of the Petition are true.

3. That certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; that this Estate is subject to the payment of debts, taxes and costs of administration, and there are insufficient funds and personal property to pay them.

4. That the decedent at the time of his death, owned the following described real estate situated in Apache County, Kansas:

The Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less.

5. That the above described real estate is not a homestead and is subject to the payment of debts of the decedent; that it is necessary to sell said real estate for the payment of debts, taxes and costs of administration; that it can be more advantageously sold at private sale.

6. That the Administrator be authorized to pay the costs of said sale including an abstract of title or policy of title insurance and a real estate commission.

7. That reappraisal of said property is not necessary if the sale can be accomplished on or before July 15, 1973.

or

[7. That more than one year has elapsed since said real estate was appraised. A new appraisal is required, and appraisers should be appointed for that purpose.]

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the Administrator be and is hereby authorized and directed to sell at private sale for cash, all of the above described real estate for not less than three-fourths of the appraised value.

(C) That no sale hereunder shall be made after July 15, 1973 unless said real estate is first reappraised. No sale shall be made after one year from the date of this order unless said real estate shall have been reappraised under order of this Court within three months preceding such sale.

(D) That from the proceeds of the sale the Administrator is authorized to pay accrued taxes , the costs of the sale, a real estate commission not to exceed _____% of the sale price, and to provide an abstract of title or policy of title insurance .

[E. That R. E. Dealer , A. G. Broker and S. N. Neighbor be, and they are hereby appointed to appraise the real estate hereinbefore described at its full and fair value, for the purpose of sale thereof, pursuant to the provisions of this order.]

(F) That the Administrator is not required to file an additional Bond herein.

OR

[F. That the Administrator be required to file an additional Bond in the sum of \$37,500 before the sale will be confirmed.]

A. L. MANN

Probate Judge

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-1202; 59-2305; 59-2306; 59-2307; 59-2312; 59-2313.

Time: The Order will usually issue on the date fixed in the Notice.

Comment: The Order must specify the time of payment, the interest on deferred payment and the manner in which payment shall be secured. In no case shall the payment be deferred for more than one year from the date of the qualification of the Executor or Administrator making the sale.

The requirement of additional bond is discretionary with the Court and may be required in the Order to Sell.

Paragraph 1 of the findings is intended to comply with *In Re Barnes*, 212 Kan. 502.

(348)

(CAPTION)

Report of Appraisers

STATE OF KANSAS
COUNTY OF APACHE

} ss:

We, the undersigned appraisers appointed for the purpose of appraising the following described real estate located in Apache County, Kansas, to wit:

The Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less,

for the purpose of sale in accordance with the order of the Court dated September 25, 1972, do hereby certify that we have viewed the said real estate and appraise the same at its full and fair value of \$30,000, as of September 27, 1972.

R. E. DEALER

A. G. BROKER

S. N. NEIGHBOR

SUBSCRIBED AND SWORN TO before me this 28th day of September, 19 72.

NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:

January 10, 1974

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-2307.

Time: A report of the appraisers must be filed before or simultaneously with the "Report and Confirmation of Sale of Real Estate at Private Sale."

(349)

(CAPTION)

Rider to be Attached to Bond of ADMINISTRATOR, JACK O. JONES on File Herein

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, Ace Bonding Company, Inc. executed, as surety, a certain Administrator's bond in the penal sum of \$70,000.00, dated July 20, 1972, in favor of the State of Kansas, and on behalf of Jack O. Jones, Administrator, the said bond having been filed in the Probate Court of Apache County, Kansas; and

WHEREAS, the Judge of the Probate Court of Apache County, Kansas, by order dated the 25th day of September, 19 72, directed that the penal sum of the aforesaid bond be increased from \$70,000.00 to the sum of \$107,500.00, effective the 25th day of September, 19 72.

NOW, THEREFORE, the said Jack O. Jones, as principal, and Ace Bonding Company, Inc., as surety, hereby amend the original bond by increasing the penal sum thereof from \$70,000.00 to \$107,500.00, effective the 25th day of September, 19 72.

PROVIDED, HOWEVER, that the bond, including this rider, shall be subject to all of its agreements, limitations and conditions except as expressly herein modi-

fied and further that the liability of the surety under the bond, as amended by this rider, shall be limited to the sum of \$107,500.00 .

SIGNED, SEALED AND DATED, this 25th day of September , 19 72 .
 JACK O. JONES

Principal
Ace Bonding Company, Inc.
 By N. M. HANNA, Attorney-in-fact
Surety

The original bond herein as amended by this rider is examined and approved by me this 25th day of September , 19 72 .

A. L. MANN
Probate Judge

(SEAL)

(350)

(CAPTION)

Report and Petition for Confirmation of Sale of Real Estate at Private Sale

COMES NOW Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas, and his address is Route 1, Hometown, Kansas 66648 .

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones , deceased, by virtue of Letters of Administration granted to him by this Court on the 4th day of August , 19 72 .

3. That pursuant to an Order entered the 25th day of September , 19 72 , he sold at private sale the following described real estate situated in Apache County, Kansas:

The Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less,
 to L. S. Deed , of Hometown, Kansas , for the sum of \$30,000 being the best price obtainable and not less than three-fourths of the appraised value thereof.

or

[3. That pursuant to an Order of the Court entered September 25, 1972 , the hereinafter described real estate was reappraised on September 27, 1972 , and on September 28, 1972 , he sold at private sale the following described real estate situated in Apache County, Kansas:

The Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less,
 to L. S. Deed , of Hometown, Kansas , for the sum of \$30,000 being the best price obtainable and not less than three-fourths of the appraised value thereof.]

4. That the above mentioned real estate is not liable for any charges, mortgage lien or encumbrances thereon except accrued taxes . The sale was for cash upon furnishing an abstract of title; accrued taxes to be paid by the Administrator .

5. That he did not directly or indirectly acquire any beneficial interest in the above described real estate; is not interested in the property sold except as stated herein; and the sale was fairly conducted and legally made.

6. That he employed I. C. Richlee as real estate broker for a commission of _____% of the sale price .

[7. That he has filed herein his additional bond in the sum of \$37,500 .]

WHEREFORE, Petitioner prays that this sale be confirmed and that he be directed to execute and deliver to the purchaser an appropriate deed according to law upon the purchaser's compliance with the terms and conditions of the sale.

JACK O. JONES

Petitioner

(VERIFICATION)

(See Form No. 340 for verification)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-1413; 59-2306; 59-2309; 59-2313.

(351)

(CAPTION)

Order Confirming Sale of Real Estate at Private Sale

Now on this 8th day of October, 19 72, comes on for hearing the Report and Petition for Confirmation of Sale of Real Estate at Private Sale, filed by Jack O. Jones, Administrator, of the Estate of John Jones, deceased.

The Petitioner appears in person and by his attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That notice of this hearing is not necessary or required by law and the same may be heard forthwith.

2. That the allegations of the petition are true.

3. That the Administrator sold at private sale the following described real estate situated in Apache County, Kansas:

The Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less,

to L. S. Deed, of Hometown, Kansas for the sum of \$30,000, being the best price obtainable and not less than three-fourths of the appraised value to be paid in cash upon delivery of an appropriate deed.

said order, and the sale thereof having been confirmed as provided by law, in consideration of the sum of \$30,000, which is not less than three-fourths of the appraised value of the real estate hereinafter described, the receipt of which is acknowledged, does by these presents, grant, bargain, sell and convey unto L. S. Deed, his heirs and assigns, all right, title and interest of John Jones, deceased, discharged from liability for his debts, in and to all of the following described real estate situated in Apache County, Kansas:

The Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less.

TO HAVE AND TO HOLD the above granted premises, together with the appurtenances and hereditaments and every part thereof, unto L. S. Deed, his heirs and assigns.

IN WITNESS WHEREOF, Grantor has hereunto set his hand, this 14th day of October, 19 72.

JACK O. JONES

Administrator of the Estate of
John Jones, Deceased

STATE OF KANSAS }
COUNTY OF APACHE } ss:

The foregoing instrument was acknowledged before me this 14th day of October, 19 72, by Jack O. Jones, as Administrator of the Estate of John Jones, deceased.

NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:

January 10, 1974

Reference: K. S. A. 59-2309.

(360)

(CAPTION)

Petition for Sale of Real Estate at Public Auction

COMES NOW Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas, and his address is Route 1, Hometown, Kansas 66648.
2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted to him by this Court on the 4th day of August, 19 72.
3. That certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; that this Estate is subject to the payment of debts, taxes and costs of administration, and there are insufficient funds and personal property to pay them.

4. That the decedent at the time of his death, owned the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less.

5. That the above described real estate is not a homestead and is subject to the payment of debts of the decedent; that it is necessary to sell said real estate for the payment of debts, taxes and costs of administration ; that it can be more advantageously sold at public auction.

6. That the Administrator be authorized to pay the costs of said sale including an abstract of title or policy of title insurance and the expense of employing an auctioneer.

WHEREFORE, Petitioner prays for an Order of this Court finding that it is in the best interests of the Estate that the above described property be sold at public auction and that the Administrator be authorized to pay the cost of said sale including an abstract of title or policy of title insurance and the expense of employing an auctioneer .

JACK O. JONES

Petitioner

(VERIFICATION)

(See Form No. 340 for Verification)

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Petitioner

Reference: K. S. A. 59-1410; 59-1412; 59-2201; 59-2202; 59-2303; 59-2312.
Time: Whenever necessary under 59-1410.

(361)

Order for Hearing

See Form No. 104, as to: (1) Form, and
(2) Time.

Reference: K. S. A. 59-2209; 59-2304.

(362)

Notice of Hearing

See Form No. 105, as to: (1) Form, and
(2) Time.

Reference: K. S. A. 59-2209; 59-2210; 59-2304.

(363)

Affidavit of Publication

See Form No. 119, as to: (1) Form,
(2) Time, and
(3) Comment.

Reference: K. S. A. 59-2209; 59-2211; 59-2304; 64-101.

(364)

Affidavit of Service

See Form No. 115, as to: (1) Form (omit bracketed material),
(2) Reference,
(3) Time, and
(4) Comment.

(365)

Proceedings Under Soldiers' and Sailors' Civil Relief Act

The forms relating to proceedings under the Soldiers' and Sailors' Civil Relief Act are in the section containing Testate Forms. The pertinent forms are numbered 110 to 114 and are titled as follows:

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---|
| 110 | Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 111 | Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 112 | Order for Hearing |
| 113 | Order Appointing Attorney to Represent Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 114 | Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act |

(366)

Proceedings for Appointment of Guardians Ad Litem

The forms relating to appointment of Guardians ad litem are in the section containing Testate Forms. The pertinent forms are numbered 106 to 109 and are titled as follows:

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---|
| 106 | Petition for Appointment of Guardian Ad Litem |
| 107 | Order for Hearing |
| 108 | Order Appointing Guardian Ad Litem |
| 109 | Written Defenses of Guardian Ad Litem |

(367)

(CAPTION)

Order to Sell Real Estate at Public Auction

Now on this 25th day of September, 19 72, comes on for hearing the Petition for Sale of Real Estate at Public Auction, filed by Jack O. Jones, Administrator of the Estate of John Jones, deceased.

The Petitioner appears in person and by his attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, and notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed herein and is hereby approved.

2. That the allegations of the Petition are true.

3. That certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; that this Estate is subject to the payment of debts, taxes and costs of administration, and there are insufficient funds and personal property to pay them.

4. That the decedent at the time of his death, owned the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less.

5. That the above described real estate is not a homestead and is subject to the payment of debts of the decedent; that it is necessary to sell said real estate for the payment of debts, taxes and costs of administration; that it can be more advantageously sold at public auction.

6. That the Administrator be authorized to pay the costs of said sale including an abstract of title or policy of title insurance and the expense of employing an auctioneer.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the Administrator be and is hereby authorized and directed to sell at public auction for cash, all of the above described real estate, said sale to be held at the East front door of the Courthouse in Metropolis, Apache County, Kansas.

(C) That from the proceeds of the sale the Administrator is authorized to pay accrued taxes, the costs of the sale, the expense of employing an auctioneer not to exceed % of the sale price and to provide an abstract of title or policy of title insurance.

(D) That the Administrator is not required to file an additional bond herein.
or

[D. That the Administrator be required to file an additional Bond in the sum of \$37,500 before a sale will be confirmed .]

A. L. MANN

Probate Judge

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-1202; 59-2305; 59-2306; 59-2307; 59-2312; 59-2313.

Time: The Order will usually issue on the date fixed in the Notice.

Comment: The Order must specify the time of payment, the interest on deferred payment and the manner in which payment shall be secured. In no case shall the payment be deferred for more than one year from the date of the qualification of the Executor or Administrator making the sale.

The requirement of additional bond is discretionary with the Court and may be required in the Order to Sell.

Paragraph 1 of the findings is intended to comply with *In Re Barnes*, 212 Kan. 502.

(368)

First published in the Metropolis Herald, Tuesday, the 28th day of September, 19 72.

(CAPTION)

Notice of Sale

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that Jack O. Jones, Administrator of the above entitled Estate, will offer for sale at public auction the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20, South, Range 30, West, containing 160 acres, more or less,

on the 25th day of October, 19 72, at ten o'clock a. m. upon

the above described premises to the highest bidder for cash. All parties interested should take notice and govern themselves accordingly.

JACK O. JONES

Administrator

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Tuesdays, commencing with the 28th day of September, 19 72. Immediately after the first publication please forward _____ copies of the above and foregoing notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas 66648. Immediately after the publication, make your proof of publication to the Probate Court, Courthouse, with copy to this office.

Reference: K. S. A. 59-2308; 64-102.

Time: The notice shall be published once a week for three consecutive weeks.

Comment: If the tracts to be sold are contiguous and lie in more than one county notice may be given and the sale made in either of such counties.

(369)

Affidavit of Publication

See Form No. 119, as to: (1) Form,
(2) Reference,
(3) Time, and
(4) Comment.

(370)

Rider to be Attached to Bond of ADMINISTRATOR, JACK O. JONES
on File Herein

See Form 349, as to: (1) Form.

(371)

(CAPTION)

**Report and Petition for Confirmation of Sale of Real Estate
at Public Auction**

COMES NOW Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas, and his address is Route 1, Hometown, Kansas 66648.

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted to him by this Court on the 4th day of August, 19 72.

3. That pursuant to an Order entered the 25th day of September, 19 72, he sold at public auction the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less,

to L. S. Deed of Hometown, Kansas, for the sum of \$30,000, being the highest and best price offered therefor.

4. That the above mentioned real estate is not liable for any charges, mortgage lien or encumbrances thereon except accrued taxes. The sale was for cash upon furnishing an abstract of title; accrued taxes to be paid by the Administrator.

5. That he did not directly or indirectly acquire any beneficial interest in the above described real estate; is not interested in the property sold except as stated herein; and the sale was fairly conducted and legally made.

6. That he employed I. C. Richlee as auctioneer at a commission of % of the sale price.

[7. That he has filed herein his additional bond in the sum of \$37,500.]

WHEREFORE, Petitioner prays that this sale be confirmed and that he be directed to execute and deliver to the purchaser an appropriate deed according to law upon the purchaser's compliance with the terms and conditions of the sale.

JACK O. JONES

Petitioner

(VERIFICATION)

(See Form No. 340 for verification)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-1413; 59-2306; 59-2309; 59-2313.

(372)

(CAPTION)

Order Confirming Sale of Real Estate at Public Auction

Now on this 8th day of October, 19 72, comes on for hearing the Report and Petition for Confirmation of Sale of Real Estate at Public Auction, filed by Jack O. Jones, Administrator of the Estate of John Jones, deceased.

The Petitioner appears in person and by his attorneys Pleader, Pleader & Tryor . There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That notice of this hearing is not necessary or required by law and the same may be heard forthwith.

2. That the allegations of the Petition are true.

3. That the Administrator sold at public auction the following described real estate situated in Apache county, Kansas:

The Southeast quarter of Section 26, Township 20, South, Range 30 West, containing 160 acres, more or less,

to L. S. Deed , of Hometown, Kansas for the sum of \$30,000 , being the highest and best price offered therefor, to be paid in cash upon delivery of an appropriate deed.

4. That the above mentioned real estate is not liable for any charges, mortgage lien or encumbrances thereon except accrued taxes . The sale was for cash upon furnishing an abstract of title; accrued taxes to be paid by the Administrator .

5. That the Administrator did not directly or indirectly acquire any beneficial interest in the above described real estate and is not interested in the property sold except as stated herein, and that the sale was fairly conducted and legally made.

6. That the Administrator employed I. C. Richlee as auctioneer at a commission of % of the sale price.

[7. That the Administrator's additional bond in the sum of \$37,500 has been filed herein.]

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the above mentioned sale of real estate be and the same is hereby confirmed; that the Administator is hereby directed to execute and deliver to the purchaser an appropriate deed according to law, upon purchaser's compliance with the terms and conditions of the sale.

(C) That the Administrator is hereby authorized to pay from the proceeds of the sale accrued taxes ; the costs of the sale including abstract of title; the auctioneer's fee to I. C. Richlee in the amount of \$.

A. L. MANN

Probate Judge.

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-1413; 59-2309; 59-2312; 59-2313.

Time: The Order may issue any time after the filing of the Report.

(373)

Administrator's Deed

See Form No. 351, as to: (1) Form.

INDEX TO DESCENT PROCEEDINGS FORMS

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---|
| 401 | Petition for Determination of Descent |
| 402 | Order for Hearing |
| 403 | Notice of Hearing |
| 404 | Affidavit of Publication |
| 405 | Affidavit of Service |
| 406 | Proceedings for Appointment of Guardian Ad Litem |
| 407 | Soldiers' and Sailors' Civil Relief Act Proceedings |
| 408 | Decree of Descent |

(401)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

IN THE MATTER OF THE ESTATE OF }
JOE SMITH , DECEASED

No. 6000

Petition for Determination of Descent

COMES NOW Sara Smith and alleges:

1. That she is a resident of Apache County, Kansas and her address is Route 1, Hometown, Kansas 66648 .

2. That the Petitioner has an interest in decedent's Estate as the widow and one of the heirs of Joe Smith , deceased, and as the owner of an interest in the real estate and personal property hereinafter described .

3. That Joe Smith died at Hometown, Kansas , on the 3rd day of July , 19 72 ; that more than nine months have expired since the date of his death; that at the time of his death he was a resident of Apache County, Kansas and a citizen of the United States.

4. That no petition has been filed for the probate of a Will of Joe Smith nor administration commenced in this state.

5. That the names, ages, relationships, residences and addresses of the heirs of the decedent so far as known or can with reasonable diligence be ascertained are:

| <i>Name</i> | <i>Age</i> | <i>Relationship</i> | <i>Residence and Address</i> |
|-----------------------|--------------|---------------------|--|
| <u>Sara Smth</u> | <u>Adult</u> | <u>Wife</u> | <u>Route 1, Hometown, Kansas 66648</u> |
| <u>Woodrow Smith</u> | <u>Adult</u> | <u>Son</u> | <u>1918 South Broadway,</u> <u>Metropolis, Kansas 66625</u> |
| <u>Theodore Smith</u> | <u>Adult</u> | <u>Son</u> | <u>Route 1, Hometown, Kansas 66648</u> |
| <u>Eleanor Smith</u> | <u>Adult</u> | <u>Daughter</u> | <u>Route 1, Hometown, Kansas 66648</u> |

6. That so far as known or can with reasonable diligence be ascertained the decedent had no spouse or children or adopted children or issue of deceased children, natural or adopted, or other heirs who survived him, other than the persons above named.

7. That at the time of his death the decedent owned the following described real estate situated in Apache County, Kansas:

The East half of the Southeast quarter of Section 35, Township 20 South, Range 30 West, Apache County, Kansas

8. That at the time of his death the decedent owned the following described personal property:

100 shares of XYZ Corp. Common Stock, Certificate No. 1234.

WHEREFORE, the Petitioner prays that the Court fix a time and place for the hearing of this Petition, and provide for giving of notice thereof; that the Court, upon hearing as provided by law, determine the descent of the real estate and personal property hereinbefore described and all other personal property and Kansas real estate owned by Joe Smith at the time of his death; that the Court assign it to the persons entitled thereto.

SARA SMITH

Petitioner

STATE OF KANSAS }
 COUNTY OF APACHE } ss:

Sara Smith, of lawful age, being first duly sworn, upon her oath states:
That she is the Petitioner above named; that she has read the above Petition for Determination of Descent; that she knows the content thereof, and that all the statements therein made are true.

SUBSCRIBED AND SWORN TO before me this 10th day of July, 19 73.
SARA SMITH
NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:
January 10, 1974

PLEADER, PLEADER & TRYOR
The Hometown State Bank Building
Hometown, Kansas 66648
Attorneys for Petitioner

Reference: K. S. A. 59-511; 59-2202; 59-2250.

Time: After nine months from the date of death.

Comment: This form is intended to comply with *In Re Barnes*, 212 Kan. 502.

(402)

Order for Hearing

See Form No. 104, as to: (1) Form, and
(2) Time.

Reference: K. S. A. 59-2209; 59-2251.

(403)

First published in the Metropolis Herald, Tuesday the 14th day of July, 19 73.

(CAPTION)

Notice of Hearing

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by Sarah Smith, widow and one of the heirs of Joe Smith, deceased, praying:

That descent be determined of the following described real estate situated in Apache County, Kansas:

The East half of the Southeast quarter of Section 35, Township 20 South, Range 30 West,

and all personal property and other Kansas real estate owned by decedent at the time of his death.

You are required to file your written defenses thereto on or before the 10th day of August, 19 73, 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 the Petition.

SARA SMITH

Petitioner

PLEADER, PLEADER & TRYOR
 The Hometown State Bank Building
 Hometown, Kansas 66648
 Attorneys for Petitioner

To THE PUBLISHER: Please publish for three consecutive Tuesdays commencing the 14th day of July, 19 73. Immediately after the first Publication, please forward _____ copies of the above and foregoing Notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas. Immediately after the third publication, make your proof of publication to the Probate Court, Courthouse, with copy to this office.

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

Time: The Notice of Hearing shall be published once a week for three consecutive weeks with the first publication within ten days of the Order for Hearing.

(404)

Affidavit of Publication

See Form No. 119, as to: (1) Form,
 (2) Time, and
 (3) Comment.

Reference: K. S. A. 59-2209; 59-2211; 59-2222; 59-2251; 64-101.

(405)

Affidavit of Service

See Form No. 115, as to: (1) Form (generally) (omit bracketed material),
 (2) Time, and
 (3) Comment.

Reference: K. S. A. 59-2209; 59-2211; 59-2251.

(406)

Proceedings for Appointment of Guardians Ad Litem

The forms relating to appointment of Guardians ad litem are in the section containing Testate Forms. The pertinent forms are numbered 106 to 109 and are titled as follows:

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---|
| 106 | Petition for Appointment of Guardian Ad Litem |
| 107 | Order for Hearing |
| 108 | Order Appointing Guardian Ad Litem |
| 109 | Written Defenses of Guardian Ad Litem |

(407)

Proceedings Under Soldiers' and Sailors' Civil Relief Act

The forms relating to proceedings under the Soldiers' and Sailors' Civil Relief Act are in the section containing Testate Forms. The pertinent forms are numbered 110 to 114 and are titled as follows:

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---|
| 110 | Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 111 | Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 112 | Order for Hearing |
| 113 | Order Appointing Attorney to Represent Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act |
| 114 | Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act |

(408)

(CAPTION)

Decree of Descent

Now on this 10th day of August, 19 73, comes on for hearing the Petition for Determination of Descent filed by Sara Smith, widow and one of the heirs of Joe Smith, deceased.

The Petitioner appears in person and by her attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That due diligence has been exercised in the search for names, ages, relationships, residences and addresses of heirs, and notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed and is hereby approved.

2. That the allegations of the Petition are true.

3. That Joe Smith died at Hometown, Kansas, on the 3rd day of July, 19 72; that more than nine months have expired since date of

decedent's death; that at the time of his death he was a resident of Apache County, Kansas and a citizen of the United States.

4. That no petition has been filed for the probate of a Will of Joe Smith nor administration commenced in this state.

5. That the names, ages and relationships of the heirs who are entitled to the Estate and their respective proportions are:

| <u>Name</u> | <u>Age</u> | <u>Relationship</u> | <u>Proportion</u> |
|-----------------------|--------------|---------------------|-------------------|
| <u>Sara Smith</u> | <u>Adult</u> | <u>Wife</u> | <u>One-half</u> |
| <u>Woodrow Smith</u> | <u>Adult</u> | <u>Son</u> | <u>One-sixth</u> |
| <u>Theodore Smith</u> | <u>Adult</u> | <u>Son</u> | <u>One-sixth</u> |
| <u>Eleanor Smith</u> | <u>Adult</u> | <u>Daughter</u> | <u>One-sixth</u> |

6. That the decedent had no spouse or children or adopted children or issue of deceased children, natural or adopted, or other heirs who survived him, other than the persons above named.

7. That at the time of his death the decedent owned the following described real estate situated in Apache County, Kansas:

The East half of the Southeast quarter of Section 35, Township 20 South, Range 80 West.

8. That at the time of his death the decedent owned the following described personal property:

100 Shares of XYZ Corp. Common Stock, Certificate No. 1234.

9. That all taxes imposed by the state of Kansas and by the United States have been paid.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of this Court.

(B) That the title to all of the interests of Joe Smith, deceased, in and to the real and personal property hereinabove described and all other personal property and Kansas real estate owned by the decedent at his death on the 3rd day of July, 19 72, descended from him to his heirs at law in the following proportion:

| <u>Name</u> | <u>Proportion</u> |
|-----------------------|-------------------|
| <u>Sara Smith</u> | <u>One-half</u> |
| <u>Woodrow Smith</u> | <u>One-sixth</u> |
| <u>Theodore Smith</u> | <u>One-sixth</u> |
| <u>Eleanor Smith</u> | <u>One-sixth</u> |

and the title thereto is assigned to the above named heirs as of the date of death, subject to any lawful disposition heretofore made.

A. L. MANN

Probate Judge

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-2251; 79-1529.

Time: At time fixed in Notice or adjournment therefrom.

Comment: No decree shall be entered until after the determination and payment of inheritance tax, if any.

No decree should be entered until after determination and payment of federal estate tax, if any.

Paragraph 1 of the findings is intended to comply with *In Re Barnes*, 212 Kan. 502.

INDEX TO ADMISSION OF FOREIGN PROBATED WILL TO PROBATE AND RECORD FORMS

| <i>Form No.</i> | <i>Title</i> |
|-----------------|---|
| 501 | Petition to Admit Foreign Will to Probate and Record |
| 502 | Order for Hearing |
| 503 | Notice of Hearing |
| 504 | Affidavit of Service |
| 505 | Affidavit of Publication |
| 506 | Order Admitting Authenticated Copy of Foreign Will to Probate and Record. |

(501)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

IN THE MATTER OF THE ESTATE OF
SAM SAUSAGE , DECEASED

}

No. 7000

Petition to Admit Foreign Will to Probate and Record

COMES NOW Ann Sausage and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 2, Hometown, Kansas 66648 ; that she is named as beneficiary , in the decedent's Last Will and Testament, dated July 3, 1965 .

2. That the Petitioner has an interest in decedent's Estate as a devisee and legatee in the Last Will and Testament of Sam Sausage , deceased.

3. That Sam Sausage died testate at Oldtown , Arizona , on July 15, 1972 ; that more than nine months have expired since the date of his death; that at the time of his death he was a resident of Jackson County, Arizona , and a citizen of the United States.

4. That the decedent's Last Will and Testament was admitted to probate in and by the Probate Court of Jackson County, Arizona , on July 30, 1972 , and that the order of said Court admitting said Will to probate remains in full force.

5. That there is filed herewith, and made a part of this Petition by reference thereto, a duly authenticated partial transcript of proceedings in the Estate of Sam Sausage , deceased, from the Probate Court of Jackson County, Arizona , containing the following, to wit:

(a) Will, executed, proved and admitted to probate according to the laws of the state of Arizona .

(b) Order Admitting Will to Probate.

6. That there is property in Apache County, Kansas, upon which said Will may operate; that said Will has not been admitted to Probate in any other County of this State; that no administration of said Estate in Kansas is necessary; that the general character and probable value of the decedent's Estate in this State are:

Real Estate of the estimated value of \$10,000 , situated in Apache County, Kansas and described as follows:

The Southwest quarter of Section 20, Township 20, Range 50, West of the 15th P. M., containing 160 acres, more or less.

7. That the decedent was survived by the following named persons who, so far as known or can with reasonable diligence be ascertained, are all of his heirs:

| <i>Name</i> | <i>Age</i> | <i>Relationship</i> | <i>Residence and Address</i> |
|-----------------------|--------------|---------------------|--|
| <u>Ann Sausage</u> | <u>Adult</u> | <u>Niece</u> | <u>Route 2, Hometown, Kansas 66649</u> |
| <u>George Sausage</u> | <u>Adult</u> | <u>Nephew</u> | <u>Route 3, Hometown, Kansas 66650</u> |

8. That so far as known or can with reasonable diligence be ascertained the decedent had no spouse or children or adopted children or issue of deceased children, natural or adopted, or other heirs who survived him, other than the persons above named.

9. That the decedent was survived by the following named persons who are all of his legatees and devisees:

| <u>Name</u> | <u>Age</u> | <u>Relationship</u> | <u>Residence and Address</u> |
|-----------------------|--------------|---------------------|--|
| <u>Ann Sausage</u> | <u>Adult</u> | <u>Niece</u> | <u>Route 2, Hometown, Kansas 66649</u> |
| <u>George Sausage</u> | <u>Adult</u> | <u>Nephew</u> | <u>Route 3, Hometown, Kansas 66650</u> |

10. That the Last Will and Testament of the decedent should be construed to distribute the Estate as follows:

- (a) Specific bequest of undivided one-half interest in above described real estate to Ann Sausage.
- (b) Specific bequest of undivided one-half interest in above described real estate to George Sausage.

WHEREFORE, the Petitioner prays that the above mentioned foreign probated Will of Sam Sausage, deceased, be admitted to probate and record in this Court; that the Court finds that no administration in the Estate is necessary; that the Will be construed and the Kansas real estate owned by the decedent be assigned in accordance with the terms of said Will.

ANN SAUSAGE

Petitioner

STATE OF KANSAS }
 COUNTY OF APACHE } ss:

Ann Sausage, of lawful age, being first duly sworn, upon her oath states:

That she is the Petitioner above named; that she has read the above Petition to Admit Foreign Will to Probate and Record; that she knows the content thereof, and that all statements therein made are true.

ANN SAUSAGE

SUBSCRIBED AND SWORN TO before me this 15th day of August, 19 73.

NEVA WRIGHT

Notary Public

(SEAL)

My Commission Expires:
January 10, 1974

PLEADER, PLEADER & TRYOR
 The Hometown State Bank Building
 Hometown, Kansas 66648
 Attorneys for Petitioner

Reference: K. S. A. 59-511; 59-803; 59-804; 59-805; 59-806; 59-807; 59-808; 59-809; 59-2202; 59-2220; 59-2221; 59-2229; 59-2230; 59-2247.

Time: Not sooner than nine months after death.

Comment: When ordering transcript of proceeding from foreign jurisdiction all pleadings and other documents desired to be included therein should be enumerated.

This form is intended to comply with *In Re Barnes*, 212 Kan. 502.

(502)

Order for Hearing

See Form No. 104, as to: (1) Form and,
(2) Time.

Reference: K. S. A. 59-2209; 59-2222; 59-2229; 59-2247.

Comment: In this proceeding, because the Court is being ask to not only admit the foreign will to record but is also being asked to find that administration is not necessary and to construe the will and assign the title, it is necessary that notice be published pursuant to K. S. A. 59-2247.

(503)

First published in the Metropolis Herald , Monday , the 20th day of August , 19 73 .

(CAPTION)

Notice of Hearing

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by Ann Sausage , a beneficiary of Sam Sausage , deceased, praying that: the foreign will of Sam Sausage , deceased, be admitted to probate and record in this Court; that no administration of this Estate is necessary; that the will be construed; that the following Kansas real estate owned by the decedent, situated in Apache County, Kansas to wit:

The Southwest quarter of Section 20, Township 20, Range 50, West of the 15th P. M., containing 160 acres, more or less,

be assigned in accordance with the terms of said Will.

You are required to file your written defenses thereto on or before the 10th day of September , 19 73 , 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 the Petition.

ANN SAUSAGE

Petitioner

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Mondays , commencing the 20th day of August , 19 73 . Immediately after the first publication, please forward _____ copies of the above and foregoing Notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas 66648 . Immediately after the third publication, make your proof of publication to the Probate Court, Courthouse, with copy to this office.

Reference: K. S. A. 59-2209; 59-2210; 59-2247.

Time: The Notice of Hearing shall be published once a week for three consecutive weeks with the first publication within ten days of the Order for Hearing. The date set for hearing shall not be earlier than seven days nor later than fourteen days after the last publication of notice.

(504)

Affidavit of Service

See Form No. 115, as to: (1) Form (omit bracketed material), and
(2) Time.

Reference: K. S. A. 59-2209; 59-2211.

(505)

Affidavit of Publication

See Form No. 119, as to: (1) Form,
(2) Reference,
(3) Time, and
(4) Comment.

(506)

(CAPTION)

Order Admitting Authenticated Copy of Foreign Will to Probate and Record

Now on this 15th day of September, 19 73, comes on for hearing the Petition to Admit Foreign Will of Sam Sausage to probate and record, filed herein by Ann Sausage.

The Petitioner appears in person and by her attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. That due diligence has been exercised in the search for names, ages, relationships, and residences and addresses of heirs, devisees and legatees, and notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed herein and is hereby approved.

2. That the allegations of the Petition are true.

3. That the Petitioner has an interest in decedent's Estate as a devisee and legatee in the Last Will and Testament of Sam Sausage, deceased.

4. That Sam Sausage died testate at Oldtown, Arizona, on July 15, 1971; that more than nine months have expired since the date of death; that at the time of his death he was a resident of Jackson County, Arizona, and of the United States.

5. That the testator left a Last Will and Testament, which was duly exe-

cuted, proved and admitted to probate according to the laws of Arizona, on the 15th day of July, 19 73, in the Probate Court of Jackson County, Arizona; that a duly authenticated partial transcript of proceedings in the Estate of Sam Sausage, deceased, from the Probate Court of Jackson County, Arizona is filed herein and that the order of said Court is still in full force and effect.

6. That the Testator left the following described real estate in Apache County, Kansas, to wit:

The Southwest quarter of Section 20, Township 20, Range 50, West of the 15th P. M., containing 160 acres, more or less.

7. That all taxes imposed by the state of Kansas and by the United States have been paid.

8. That no administration of said Estate in Kansas is necessary.

9. That the decedent's Last Will and Testament is construed to distribute the above described Kansas real estate as follows:

| <u>Name</u> | <u>Interest</u> |
|-----------------------|------------------------------------|
| <u>Ann Sausage</u> | <u>Undivided one-half interest</u> |
| <u>George Sausage</u> | <u>Undivided one-half interest</u> |

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the above authenticated copy of the Last Will and Testament of Sam Sausage, deceased, be and the same is hereby admitted to probate and record in the Probate Court of Apache County, Kansas.

(C) That the following described real estate situated in Apache County, Kansas, to wit:

The South one-fourth of Section 20, Township 20, Range 50, West of the 15th P. M., containing 160 acres, more or less,

subject to any lawful disposition heretofore made is assigned pursuant to the terms of decedent's Will as herein construed, as follows:

| <u>Name</u> | <u>Interest</u> |
|-----------------------|------------------------------------|
| <u>Ann Sausage</u> | <u>Undivided one-half interest</u> |
| <u>George Sausage</u> | <u>Undivided one-half interest</u> |

A. L. MANN

Probate Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

Reference: K. S. A. 59-804; 59-806; 59-2230; 59-2247; 59-2249.

Comment: Paragraph 1 of the findings is intended to comply with *In Re Barnes*, 212 Kan. 502.

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TOPEKA, KANSAS

259-P

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