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STATE OF MINNESOTA

COUNTY OF STEARNS

IN PROBATE COURT

* * * * *

IN THE MATTER OF THE ESTATE OF ERWIN E. TOWN, DECEASED.

* * * * *

BRIEF OF CLAIMANTS

In this proceeding two claims have been presented together against the estate of said decedent, one presented and filed by H. H. Perry as administrator de bonis non of the estate of Mollie N. Town, deceased, and the other by Allen E. Town and his four sisters, children of Mollie N. Town, decedent.

The claim of Mr. Perry as administrator de bonis non of the estate of Mollie N. Town, deceased, is for the sum of Nine Thousand Dollars (\$9,000) claimed to have been received by Erwin E. Town, deceased, as administrator of the estate of Mollie N. Town, and the claim of Allen E. Town and his sisters is for One Thousand Dollars (\$1,000) claimed to have been received by Erwin E. Town as guardian of said Allen E. Town and his sisters.

The most important facts in reference to these claims are practically undisputed. Mollie N. Town was the wife of Erwin E. Town, and she died intestate in Dickey County, North Dakota, on the 16th day of March, 1908. She left an estate consisting of a tract of land and a policy of insurance in the Manhattan Life Insurance Company in the sum of One Thousand Dollars (\$1,000). She also left a policy of insurance in the Royal Neighbors of America in the sum of One Thousand Dollars (\$1,000) which was payable to her five children, claimants herein. A short time after her death her surviving husband, Erwin E. Town, against whose estate these claims are made, made application to the County Court of Dickey County, North Dakota, for Letters of Administration upon her estate and also for Letters of Guardianship of the five children hereinbefore mentioned. The petition for Letters of Administration was granted and Letters of Administration were issued to

Erwin E. Town by the County Court of Dickey County, North Dakota. The petition for guardianship was also granted and Letters of Guardianship were likewise issued to him. Thereafter as such administrator he petitioned the Court for license to sell the real estate belonging to the estate of Mollie N. Town, his deceased wife; the license was granted; he made the sale, and received Eight Thousand Dollars (\$8,000) in cash from the sale of said real estate. He also collected the insurance from the Manhattan Life Insurance Company in the sum of One Thousand Dollars (\$1,000), and as such guardian he collected from the Royal Neighbors of America the sum of One Thousand Dollars (\$1,000) which was payable by the terms of the Mollie N. Town policy to the children, the claimants herein.

11.

That the Dickey County Court had jurisdiction in this matter is shown by the statutes of the State of North Dakota which have been offered in evidence herein, and the receipt by Erwin E. Town of these moneys, Nine Thousand Dollars (\$9,000) as administrator and One Thousand Dollars (\$1,000) as guardian, is proven beyond any question by the evidence introduced in this case, and it will probably not be denied by the executrix of his estate.

111.

The evidence shows that within one year after receiving these appointments from the County Court of Dickey County, Erwin E. Town left the State of North Dakota and became a resident of the State of Minnesota, taking with him so far as the evidence shows all the moneys hereinbefore referred to, and the evidence further shows that he never afterwards returned to the State of North Dakota, nor did he ever account or attempt to account to the County Court of Dickey County, North Dakota, in regard to the trusts conferred upon him, nor did he account in any way to said court which had jurisdiction of the matter, as the records and files of the court produced in evidence show beyond question. That he should have accounted to the County Court of Dickey County, North Dakota, which had jurisdiction of the probate of the estate of Mollie N. Town and had jurisdiction over him as guardian is also beyond question.

1V.

The evidence further shows that when Erwin E. Town left the State of North Dakota these children were of tender years, the eldest, Mrs. Repulski, being only thirteen years of age. They all testified that they had no knowledge in reference to what estate their mother left or whether she left any estate and that they were not advised of the receipt by their deceased father, Erwin E. Town, of these moneys which he received as administrator and guardian until a short time before an application was made to this court for leave to file these claims. The most that can be spelled out of the evidence is that some of the children had heard that their mother had left property, but naturally they supposed that the actions of their father were legal and right, and they did not know, nor can there be any inference that they did know, that he had converted all of this money which belonged to their mother's estate and which belonged to them by virtue of the policy in the Royal Neighbors of America to his own use.

The foregoing facts are practically admitted; it was perhaps a little difficult over the technical objections of the executrix to get proof of all of these facts, but the undisputable proof has been furnished to this court. ©

V.

With this situation confronting us, it became necessary to determine what should be done. Equitably this Ten Thousand Dollars, if it had been possible to do so, might have been followed up to show what profits had arisen from its use by the deceased Erwin E. Town, but he being dead it was a practical impossibility to do that, and counsel for claimants herein proceeded along the lines they have done and filed these claims with this court, claiming as a matter of law that these funds were in the nature of trust funds; that they should have been kept within the jurisdiction of the County Court of Dickey County, North Dakota, and that Mr. Town as administrator and as guardian was guilty of wrongful and unlawful conduct and perpetrated a fraud, at least a legal fraud, upon his children and upon the court that appointed him and upon his bondsmen. Counsel for claimants therefore asked leave

of this court to file these claims, which leave was granted, and the claims themselves were presented as legal claims against the estate of Erwin E. Town in this court, so that the Nine Thousand Dollars, with interest thereon, received as administrator might be turned over to the new administrator, Mr. Perry, for distribution in accordance with the laws of the State of North Dakota, whatever that distribution may call for, and the One Thousand Dollars which Mr. Town received as guardian and converted to his own use accounted for to the children to whom it was originally payable.

That Erwin E. Town got these moneys in this trust capacity cannot be disputed, and that his estate should be held responsible for it cannot be successfully disputed, either.

The objections filed by the executrix to the allowance of these claims are not tenable. The statute of limitations which is pleaded is certainly not available as a defense to the Nine Thousand Dollar claim of Mr. Perry as administrator de bonis non because there was no one qualified to bring any action to recover this money until a new administrator was appointed, and besides Erwin E. Town left the State of North Dakota and was ever after until his death a resident of the State of Minnesota, and the statute of limitations on a cause of action arising and pending in North Dakota could not and would not outlaw. In addition, these were trust funds received by him and while he could have been called to account through the court at an earlier period the fact that the court did not act is no defense nor does it make the statute of limitations available.

In regard to the guardianship money of One Thousand Dollars, the testimony of the children and all the circumstances go to show conclusively that the children, the claimants herein, of the guardianship money, did not know anything about the fact that they had been defrauded until a short time before the filing of their claim with this court. It is elementary that the statute of limitations will not run upon a claim of this kind until the statutory period after the fraud has been discovered by the parties defrauded, and as hereinbefore stated these children did not know of any fraud having been perpetrated upon them,

supposing that their father had performed in the manner required by law.

VI.

The doctrine of equitable estoppel is attempted to be invoked by the executrix in her objections filed herein to these claims. The basis of the doctrine of equitable estoppel is the doing of something by a claimant that will cause a court of equity to step in and say that it would be wrongful and inequitable and that the claimant should not have the assistance of a court in pressing an unconscionable claim. The claim is made here that because of the comparatively large amount of property turned over to these children in the lifetime of Erwin E. Town that they should be estopped from making these claims at this time. There is absolutely no evidence in this case that there was ever any settlement and accounting between the deceased Erwin E. Town and his children; he turned certain property over to them apparently as a gift, or a voluntary distribution, and it was not received by the children as settlement of any of his trust obligations. The testimony of the children is that they supposed it was a gift to them by the father as he had an abundance of other property, and the surviving widow, the executrix herein, apparently participated to a certain extent at least in this distribution.

VII.

The attention of this court is especially called to the proposition that apparently the prosperity which Erwin E. Town enjoyed for a number of years prior to his death was based upon these trust funds, and that not only should he equitably have been required to pay back the amount he received with interest but all profits derived from his unlawful diversion of these funds should belong to and become a part of the funds.

VIII.

Surely it cannot be successfully urged that a man can act as an executor and guardian appointed by a court of competent jurisdiction and then leave the state where he received such appointment and convert

the money to his own use and make no account of it and then at his own will and pleasure turn over a portion, perhaps, without any accounting or any attempt to account to those who would ultimately become entitled to it, and then tell the court that appointed him and trusted him that he has settled the matter up in his own way, that the court has nothing more to say about it, and that he owes nothing. Can this court to whom these claims are submitted give sanction to any such performance? It would seem absurd as a matter of law to conceive that such a performance as Mr. Town was guilty of in violation of the trust imposed upon him by the County Court of Dickey County, North Dakota, should succeed.

IX.

A great deal of evidence was introduced upon the hearing of these claims that seems to counsel for claimants to have been entirely irrelevant. The state of feeling existing between the widow as executrix and the children of Erwin E. Town would seem to be altogether irrelevant; that a feeling does and has existed on both sides is manifest, but that has nothing to do with the legal question of whether or not the estate of Erwin E. Town should respond to the claim of the administrator de bonis non for this Nine Thousand Dollars, with interest, so that he can account to the County Court of Dickey County, North Dakota, and have the same distributed in accordance with the law of that state, whatever that law may be. It may be that the late Erwin E. Town meant no wrong in acting as he did, but he did violate the law of the state whose court appointed him to these trust positions, and his estate should be held responsible and this money turned back to the jurisdiction of the County Court of Dickey County, North Dakota.

X.

The only evidence adduced upon the trial of this matter touching on the question of how the deceased Erwin E. Town came to turn over the property which he did turn over to his children a number of years ago is the evidence of the witness Long. Counsel for claimant is not advised at this time just what this court did in the way of excluding or allowing the evidence of Mr. Long, but the attention of the Court is called to the proposition that the evidence was offered by the executrix in an attempt

to prove that the property turned over to the children was turned over to them because it had in fact belonged to their mother's estate. His statement to Mr. Long was not against his interest and was self-serving and was not admissible, in the opinion of counsel for claimant. It amounted to a statement by Mr. Town that he had paid these claims in that way; that was the substance of it, and clearly under the rule set forth by counsel for executrix in their brief on that subject was not admissible. Even if this evidence were admissible, it does not amount to anything except as a declaration on the part of Erwin E. Town that he had paid whatever claim the children had upon him on account of their mother's estate. The amount of the claim is not even hinted at, nor is there any evidence as to how much profit he made from this Ten Thousand Dollars, nor anything but a bald statement such as Mr. Long testified to. The statement in no way relieves the estate of Erwin E. Town from the legal responsibility of turning back this money to the jurisdiction of the County Court of Dickey County, North Dakota, so that the administration initiated legally and properly in that court may be completed in accordance with the law of the state where Mollie N. Town died and where her estate was situated.

XI.

In disposing of this case it would seem as if it becomes important that this court fully inform and advise itself upon the doctrine of equitable estoppel. For a definition of equitable estoppel, see Dunnell's Minnesota Digest, Vol. 1, Sec. 3185.

"Equitable estoppel has been defined as the effect of the voluntary conduct of a party whereby he is absolutely precluded, both at law and in equity, from asserting rights which might perhaps have otherwise existed, either of property, of contract, or of remedy, as against another person, who has in good faith relied upon such conduct, and has been led thereby to change his position for the worse, and who on his part acquires some corresponding right either of property, of contract, or of remedy. The doctrine of equitable estoppel is of such a nature that it is not advisable to restrict its application by the adoption of a rigid and exact definition. It should be left flexible and adaptable to the facts of the particular cases as they arise."

In support of the foregoing definition, there is cited the case of

DIAMOND vs. MANHEIM, 61 Minn. 178 - 63 N. W. 495.

In this last cited case the decision is by the late Justice Mitchell whose standing as a judge and equity lawyer has always been considered as of the highest. Judge Mitchell in disposing of this case stated, as all the authorities do, that it is difficult and perhaps impracticable to give a hard and fast definition of equitable estoppel, but he quoted the foregoing with apparent approval. Evidently the language in Dunnell's Digest, hereinbefore quoted, is copied from this decision because the words are identical as will be found upon comparing them.

An inspection of other authorities, and the books are full of them, would add practically nothing to what is heretofore quoted, but the basis of the doctrine is to the effect that the party against whom the doctrine is invoked must have committed acts or made representations that were relied upon by the party invoking the doctrine, to the detriment of the party so invoking. Applying this doctrine to the situation involved in this case, there is no foundation whatever for the application of equitable estoppel. The claimant Perry as administrator de bonis non, appointed by the County Court of Dickey County, North Dakota, certainly did not make any representations nor do anything, and the children of the deceased Mollie N. Town surely did not do anything which would create an estoppel against them, as they only took the property which apparently was a voluntary gift to them. There is, therefore, absolutely no chance for the invocation of the doctrine of equitable estoppel.

XII.

Taking this matter as a whole, if this claim of the administrator Perry is allowed, the executrix herein who is the surviving widow of Erwin E. Town, and who claims under the statute instead of under the terms of the will, will as such surviving widow get her distributive share of whatever would have been allowed the late Erwin E. Town in the distribution of the estate of Mollie N. Town by the County Court of Dickey County, and it would seem that she has no reasonable cause for complaint. It is true that the estate of Erwin E. Town will be depreciated to the amount of this claim in order that the same may be paid, but Erwin E.

Town got this money, and he never accounted for it in his lifetime.

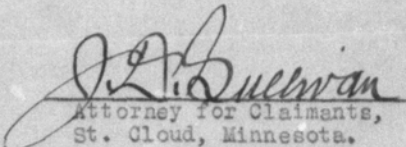
A voluntary distribution of his property to his children cannot, as a matter of law, take the place of the accounting which should have been made in the County Court of Dickey County, North Dakota, and that court in asking the aid of this court to secure a turning back of this property is only requiring the fulfillment of a duty which Erwin E. Town should have performed many years ago in his lifetime. If this money is paid to Mr. Perry as administrator the distribution will be made to the heirs of Mollie N. Town in accordance with the laws of the State of North Dakota at the time of her death.

XIII.

The claim of the children in the guardianship matter is for all practical purposes on the same basis as the claim of Mr. Perry as administrator. This money was received by Erwin E. Town as guardian of the children appointed by the County Court of Dickey County. He got the money, and he has never accounted for it. These children were all minors, and if the guardian had obeyed the law of North Dakota and done as he should have done he could probably have accounted for the use of this money for the benefit of the children, but he did not do so. The doctrine of equitable estoppel is just as inapplicable to the claim of the children as it is to the claim of Mr. Perry as administrator.

It is therefore respectfully submitted that these claims should be allowed as filed. Certainly no legal defense to them has been shown, nor can the doctrine of equitable estoppel be applied and claimed as a defense.

Dated, January 28th, 1932.


Attorney for Claimants,
St. Cloud, Minnesota.

STATE OF MINNESOTA, }
County of Stearns. } ss.

IN PROBATE COURT.

IN THE MATTER of the Estate of E. E. Town, Deceased.

OBJECTIONS OF REPRESENTATIVE TO
ALLOWANCE OF CLAIM OF H. H. PERRY,
ALLEGED ADMINISTRATOR OF THE ESTATE
OF MOLLIE N. TOWN, DECEASED.

Comes now Julia F. Town, sole executrix and representative of the Estate of Erwin E. Town, deceased, and objects to the allowance of the alleged claim of H. H. Perry, the alleged Administrator of the Estate of Mollie N. Town, deceased, against the estate of the above named decedent. The grounds of said objections are as follows:

1. That the said estate is not indebted to the said claimant or the Estate of Mollie N. Town, either upon the alleged claim in any sum or amount whatever, and that no claim against said estate exists.

2. That any and all indebtedness of the decedent to either the Estate of Mollie N. Town, or its beneficiaries, other than said Erwin E. Town, was long previous to the death of the said decedent fully paid, settled and discharged in connection with the receipt by the said beneficiaries of said Mollie N. Town Estate, from said decedent, in the decedent's lifetime, property and money aggregating in value more than Ninety thousand Dollars (\$90,000.00).

3. That the said claimant, as the Representative of the estate of the said decedent, Mollie N. Town, together with the beneficiaries whom he represents, are, and each of them is, upon all of the facts and circumstances, legally and equitably estopped from asserting the said claim in behalf of the said estate or said beneficiaries, or otherwise.

4. As an alternative objection, the undersigned representative asserts that more than six years have passed since such alleged claim, if valid, accrued, and that the same is outlawed and barred by the statute of limitations.

WHEREFORE, Your representative prays that said petition and the relief sought therein be denied.

Dated, St. Cloud, Minnesota, December 16th, 1931.

Julia F. Town
Sole Executrix and Representative.

STATE OF MINNESOTA, }
County of Stearns. } ss. ③ ④ ⑤

JULIA F. TOWN, being first duly sworn on oath, deposes and says, that she is the sole Executrix and Representative of the Estate of Erwin E. Town, deceased; that she has read the foregoing Objections and knows the contents thereof, and that the same is true of her own knowledge, except as to those matters therein stated on information and belief, and as to those matters she believes it to be true.

Julia F. Town
Subscribed and sworn to before me
this 16th day of December, 1931.

(John B. Pattison)
Notary Public, Stearns Co., Minn.
My commission expires Feb'y. 29th. 1936.

(Notarial Seal)

STATE OF MINNESOTA, }
County of Stearns. } ss.

IN PROBATE COURT.

* * * * *

IN THE MATTER of the Estate of E. E. Town, Deceased.

* * * * *

OBJECTIONS OF REPRESENTATIVE
TO ALLOWANCE OF CLAIM OF
ALLEN E. TOWN, ET AL.

Comes now Julia F. Town, sole executrix and representative of the Estate of Erwin E. Town, deceased, and objects to the allowance of the claim of Allen E. Town, Ella M. Repulski, Marion D. Guptil, Mabel A. Carlson, and Lettie L. Hanson, children and heirs at law of said Erwin E. Town, in the sum of One thousand Dollars (\$1000.00) and interest, filed against the estate of said decedent, upon the following grounds:

1. That said estate is not indebted to the said claimants, or either of them, upon the said alleged claim in any sum or amount whatever, and that no claim against said estate exists.

2. That any and all indebtedness of the decedent to the said claimants was long previous to the death of said decedent, fully paid, settled and discharged in connection with the receipt by said claimants of property of the decedent, aggregating in value at least Ninety thousand Dollars (\$90,000.00).

3. That upon the facts and circumstances, any and all claims of the said claimants, including their claims of beneficiaries, are void, and the said claimants, and each of them, are legally and equitably estopped from asserting the said claim.

4. As an alternative objection, the undersigned representative asserts that more than six years have past since such alleged claim, if valid, accrued, and that the same is outlawed and barred by the statute of limitations.

WHEREFORE, Your representative prays that said
petition and the relief sought therein be denied.

Dated, St. Cloud, Minnesota, December 16th, 1931.

Julia F. Town
Sole Executrix and Representative.

STATE OF MINNESOTA, }
County of Stearns. } ss.

JULIA F. TOWN, being first duly sworn
on oath, deposes and says, that she is the sole Executrix and
Representative of the Estate of Erwin E. Town, deceased; that
she has read the foregoing Objections and knows the contents
thereof, and that the same is true of her own knowledge,
except as to those matters therein stated on information and
belief, and as to those matters she believes it to be true.

Julia F. Town
Subscribed and sworn to before me
this 16th day of December, 1931.

R. B. Brown
(R. B. Brown)
Notary Public, Stearns Co., Minn.
My commission expires ~~May 31st 1932~~
May 31st 1932
(Notarial Seal)

ESTATE OF Erwin E. Town, Deceased.
 State of Minnesota, County of Stearns, In Probate Court.
 In the Matter of the Estate of Erwin E. Town Decedent.
 THE STATE OF MINNESOTA TO

and all persons interested in the allowance and probate of the will of said decedent: The petition of
 Julia F. Town being duly filed in this court, representing that
 Erwin E. Town, then a resident of the County of Stearns
 State of Minnesota, died on the 8th day of December 19 30, leaving a last
 will and testament which is presented to this court with said petition, and praying that said instrument be allowed as the
 last will and testament of said decedent, and that letters Testamentary

be issued thereon to

Julia F. Town, NOW THEREFORE, you, and each of you, are hereby
 cited and required to show cause, if any you have, before this court, at the Probate Court Rooms in the Court House, in
 the City of St. Cloud County of Stearns State of Minnesota, on the
 9th day of January 19 31, at nine o'clock A. M., why the prayer of
 said petition should not be granted.



WITNESS THE HONORABLE, J. B. Hims1

Judge of said court, and the seal of said court, this

16th

day of

December 19 30.

J. B. Pattison
 Attorney for Petitioner

J. B. Hims1
 Judge ~~Clerk~~

8927.

State of Minnesota, }
County of *Deane*. }
PROBATE COURT

IN THE MATTER OF THE ESTATE OF
Emin E. Larson
Decedent.

Citation for Hearing on Petition for
Probate of Will

Due service of the within citation admitted
at _____
this _____ day of _____
19 _____

County Treasurer.

Filed this *16th* day of
December 19 *30*
Jacob A. Lohr
Clerk-Judge of Probate Court.

M. D. No. 3347*

1-9-31

James

000180124

State of Minnesota,

} ss.

IN PROBATE COURT

County of Stearns

IN THE MATTER OF THE ESTATE OF

Erwin E. Town

Decedent:

THE STATE OF MINNESOTA, TO

all persons interested in the final account and distribution of the estate of said decedent: The representative of the above named decedent, having filed in this Court her final account of the administration of the estate of said decedent, together with her petition praying for the adjustment and allowance of said final account and for distribution of the residue of said estate to the person thereinunto entitled. Therefore, YOU and EACH OF YOU, are hereby cited and required to show cause, if any you have, before this Court at the Probate Court Rooms in the Court House in the City of St. Cloud in the County of Stearns State of Minnesota, on the 14th day of August 19 31 at nine o'clock A.M., why said petition should not be granted.

Witness, The Judge of said Court, and the Seal of said Court, this 22nd day of

July 19 31



J. B. Pattison
Judge of Probate.

J. B. Pattison
Attorney for Petitioner.

00010125

8927

State of Minnesota,

County of *Stearns*

PROBATE COURT

In the Matter of the Estate of

Erwin E. Tower

Citation for Hearing on Final Account
and Distribution

Filed this *15th* day of

July, 19*31*

Joseph A. Laks
Clerk—Judge of Probate.

No. 2651*

8-14-31

Times

00040426

State of Minnesota,
County of Stearns } ss.

In Probate Court

In the Matter of the Estate of Erwin E. Town Decedent.

A certain instrument purporting to be the last will and testament of Erwin E. Town having been presented to this court and the petition of Julia F. Town being duly filed herein, representing, among other things, that said decedent, then being a resident of the County of Stearns State of Minnesota, died testate in the County of Stearns State of Minnesota on the 9th day of December 1930, and that said petitioner is the surviving widow of said deceased, and that she is also named as executrix of the last will and testament of said decedent, and praying that said instrument be allowed and admitted to probate as the last will and testament of said decedent, and that letters Testamentary

be issued to Julia F. Town thereon.

It is Ordered, That said petition be heard before this court, at the Probate Court Rooms in the Court House, in the City of St. Cloud County of Stearns State of Minnesota, on the 9th day of January 1931, at nine o'clock A.M., and that the citation of this court issue to all persons interested in said hearing and said matter, and that such citation be served by the publication thereof in

The St. Cloud Daily Times according to law

Dated December 16th 1930

By the Court,

J. B. Hensel
Probate Judge.

000100127

8927.

State of Minnesota,

County of Deer

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Erwin E. Town
Decedent.

Order of Hearing on Petition for
Probate of Will.

Filed this 16th day of
December, 1930
in Book " " of Letters

Page.....

Jacob A. Lahr
Clerk of Probate Court

00010128

No. 8927.

IN PROBATE COURT

County of

Stearns

In the Matter of the Estate of

Erwin E. Town

Deceased.

ORDER ALLOWING CLAIMS

Recorded in Book *705* of Claims

page *362*.

and filed this *10th* day of

July 19 *31*

Jacob A. Lahr
Clerk Judge of Probate.

- PROBATE COURT,

IN THE MATTER OF THE ESTATE OF Erwin E. Town DECEASED.

After a full hearing and examination of all claims presented to this Court, at the time and place fixed by order of Court, for the hearing, examining and allowing claims against the estate of Erwin E. Town deceased.

No.	Names of Claimants	Nature	CLAIMS		
			Amount	Allowed	Disallowed
1	Allen E. Town	Account	1065 27	1065 27	
2	Tex Edelbach	"	100	100	
3	Marion Guptil	"	1175	1175	
Total,			107802	107802	

ESTATE OF Erwin E. Town, Deceased.

STATE OF MINNESOTA County of Stearns, IN PROBATE COURT.

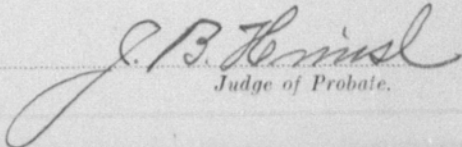
In the Matter of the Estate of Erwin E. Town Decedent

Letters Testamentary this day having been
granted to Julia F. Town

It is Ordered, That the time within which all creditors of the above named decedent may present claims against his estate in this court, be, and the same hereby is, limited to Six months from and after the date hereof; and that Friday the 10th day of July 1931, at nine o'clock A. M., in the Probate Court Rooms, at the Court House at the City of St. Cloud in said County, be, and the same hereby is, fixed and appointed as the time and place for hearing upon and the examination, adjustment and allowance of such claims as shall be presented within the time aforesaid.

Let notice hereof be given by the publication of this order in The St. Cloud Daily Times as provided by law

Dated January 12th 1931

J. B. Pattison, Esq.,
Attorney for Petitioner
Judge of Probate.

00010132

8927.

State of Minnesota,

County of Shearns

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Ernest E. Town

**Order Limiting Time to File
Claims, and For Hearing Thereon**

Filed this 12th day of
January 1931, and
recorded in Book..... of

Orders on Page.....

Jacob A. Lahr
clerk Judge of Probate.

CITATION FOR HEARING ON PETITION FOR PROBATE OF WILL

Estate of Erwin E. Town, Deceased,
State of Minnesota, County of Stearns,
In Probate Court.

In the Matter of the Estate of Erwin E. Town, Decedent.

THE STATE OF MINNESOTA TO and all persons interested in the allowance and probate of the will of said decedent: The petition of Julia F. Town being duly filed in this court, representing that Erwin E. Town, then a resident of the County of Stearns, State of Minnesota, died on the 8th day of December, 1930, leaving a last will and testament which is presented to this court with said petition, and praying that said instrument be allowed as the last will and testament of said decedent, and that letters Testamentary be issued thereon to Julia F. Town, NOW THEREFORE, you, and each of you, are hereby cited and required to show cause, if any you have, before this court, at the Probate Court Rooms in the Court House, in the City of St. Cloud, County of Stearns, State of Minnesota, on the 8th day of January, 1931, at nine o'clock A. M., why the prayer of said petition should not be granted.

Witness the Honorable, J. B. Himsel, Judge of said court, and the seal of said court, this 16th day of December, 1930.

(Court Seal)

J. B. HIMSEL, Judge.

J. B. PATTERSON,
Attorney for Petitioner,
12-18-26 1-2

STATE OF MINNESOTA,
COUNTY OF STEARNS, } ss.

Fred Schilplin

being duly sworn, deposes and says that he now is and during all the times hereinafter mentioned has been the publisher or printer in charge of The St. Cloud Daily Times and The Daily Journal-Press, a daily newspaper, printed and published in the City of St. Cloud in said Stearns County, State of Minnesota, every evening except Sundays.

That he has knowledge of the facts and knows personally that the printed

Petition for Probate of Will hereto attached, cut from the columns of said newspaper, was inserted, printed and published in said newspaper

once in each week for **3** weeks, and that all of said publications were made in the English language.

That said notice was first inserted, printed and published on **Thursday** the **18th** day of **December**, 19**30** and was printed and published in

said newspaper on each and every **Friday** thereafter until and including **Friday** the **2nd** day of **January**, 19**31**

That during all the times aforesaid, said newspaper was qualified as a medium of official and legal publications as required by sections 3 and 4 of chapter 484, Session Laws of Minnesota, 1921, and that it has complied with all the requirements that constitute a legal newspaper as defined in said sections 3 and 4, to-wit: that for more than

one year last past from the date of the first publication of said **Petition** for Probate of Will.

(1) Printed from the place from which it purports to be issued in the English language, and in column and sheet form equivalent in space to at least four pages, with five columns to the page, each seventeen and three-quarters inches long.

(2) Issued daily except Sundays from a known office established in such place for publication and equipped with skilled workmen and the necessary material for preparing and printing the same.

(3) Made up to contain general and local news, comment and miscellany, not wholly duplicating any other publication, and not entirely made up of patents, plate matter and advertisements, or any or either of them.

(4) Circulated in and near its place of publication to the extent of at least two hundred and forty copies regularly delivered to paying subscribers, and that prior to the date of the first publication of said **Petition for Probate**

of Will, the publisher or printer in charge of said newspaper having knowledge of the facts, filed in the office of the county auditor of said county of Stearns, State of Minnesota, an Affidavit showing the name and location of said newspaper and existence of conditions constituting its qualifications as a legal newspaper as required and set forth in section 3 of Chapter 484, Session Laws Minnesota, 1921.

That the following is a printed copy of the lower case alphabet from A to Z both inclusive of the size and kind of type used in the composition, printing and publication of said legal advertisement hereunto attached, viz:

abcdefghijklmnopqrstuvwxyz.

Further affiant saith not, save that this affidavit was made pursuant to section 4 of chapter 484, Session Laws Minnesota, 1921, and is intended to accompany the bill for the publication in said newspaper of the ~~attached~~ legal advertisement.

Subscribed and sworn to before me this **6th** day of **January**, 19**31**

(**Otto A. Rupp**) *Otto A. Rupp*

Notary Public, Stearns County, Minnesota.

My Commission expires **10/1/37**

89-27

*Printer's Affidavit of
Publication*

in the

ST. CLOUD DAILY TIMES
AND THE DAILY JOURNAL PRESS

OF CITATION FOR HEARING
ON PETITION FOR PRO-
BATE OF WILL.

Estate of Erwin E.
Town, Deceased.

FILED THIS 21st DAY

OF July A.D. 1924

Jacob A. Lahr
Clerk of Probate

000180135

State of Minnesota }
County of Stearns } ss

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Erwin E. Town*Decedent.*

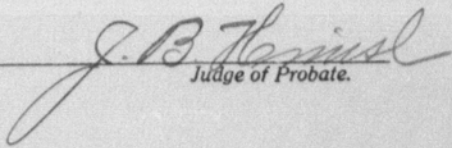
ORDER LIMITING TIME

Letters Testamentary of said estatethis day having been granted unto Julia F. Townof said County, it is ordered that the said Julia F. Townbe, and s he is hereby allowed Twelve months from and after the date hereof, for
the settlement of said estate.

By the Court,

Dated January 12th 19 31

[Court Seal]


Judge of Probate.

000100136

8929.

State of Minnesota
County of Shear

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Erwin E. Town

Order Limiting Time to
Settle Estate

Filed this 12th day of

January 1931, and

recorded in book

of Orders at Page 112

Jacoba Lahr
Clerk--Judge of Probate

00010137

CITATION FOR HEARING ON FINAL ACCOUNT AND FOR DISTRIBUTION
 State of Minnesota, County of Stearns
 In the Matter of the Estate of Erwin
 La. Toan, Decedent.

THE STATE OF MINNESOTA, TO all persons interested in the final account and distribution of the estate of said decedent: The representative of the above named decedent, having filed in this Court her final account of the administration of the estate of said decedent, together with her petition praying for the adjustment and allowance of said final account and for distribution of the residue of said estate to the persons thereunto entitled.

Therefore, YOU and EACH OF YOU, are hereby cited and required to show cause, if any you have, before this Court at the Probate Court Rooms in the Court House in the City of St. Cloud in the County of Stearns, State of Minnesota, on the 14th day of August, 1931, at nine o'clock A. M., why said petition should not be granted.

WITNESS, The Judge of said Court, and the Seal of said Court, this 22nd day of July, 1931.

(Seal) J. B. HIMSL, Judge of Probate.

J. B. PATTERSON,
 Attorney for Petitioner.
 7-23-28 4-5

STATE OF MINNESOTA, }
 COUNTY OF STEARNS, } ss.

Fred Schilplin

being duly sworn, deposes and says that he now is and during all the times hereinafter mentioned has been the publisher or printer in charge of The St. Cloud Daily Times and The Daily Journal-Press, a daily newspaper, printed and published in the City of St. Cloud in said Stearns County, State of Minnesota, every evening except Sundays.

That he has knowledge of the facts and knows personally that the printed **Hear. Final Account and Distribution** hereto attached, cut from the columns of said newspaper, was inserted, printed and published in said newspaper once in each week for **3** weeks, and that all of said publications were made in the English language.

That said notice was first inserted, printed and published on **Thursday** the **23rd** day of **July** **1931** and was printed and published in said newspaper on each and every **Thursday** thereafter until and including **Thursday** **6th** day of **August** **1931**.

That during all the times aforesaid, said newspaper was qualified as a medium of official and legal publications as required by sections 3 and 4 of chapter 484, Session Laws of Minnesota, 1921, and that it has complied with all the requirements that constitute a legal newspaper as defined in said sections 3 and 4, to-wit: that for more than one year last past from the date of the first publication of said **Hear. on Final Account and for Distribution** said newspaper has been

(1) Printed from the place from which it purports to be issued in the English language, and in column and sheet form equivalent in space to at least four pages, with five columns to the page, each seventeen and three-quarters inches long;

(2) Issued daily except Sundays from a known office established in such place for publication and equipped with skilled workmen and the necessary material for preparing and printing the same.

(3) Made up to contain general and local news, comment and miscellany, not wholly duplicating any other publication, and not entirely made up of patents, plate matter and advertisements, or any or either of them.

(4) Circulated in and near its place of publication to the extent of at least two hundred and forty copies regularly delivered to paying subscribers, and that prior to the date of the first publication of said **Hearing on Final Account and for Distribution** the publisher or printer in charge of said newspaper having knowledge of the facts, filed in the office of the county auditor of said county of Stearns, State of Minnesota, an Affidavit showing the name and location of said newspaper and existence of conditions constituting its qualifications as a legal newspaper as required and set forth in section 3 of Chapter 484, Session Laws Minnesota, 1921.

That the following is a printed copy of the lower case alphabet from A to Z both inclusive of the size and kind of type used in the composition, printing and publication of said legal advertisement hereto attached, viz:

abcdefghijklmnopqrstuvwxyz.

Further affiant saith not, save that this affidavit is made pursuant to section 4 of chapter 484, Session Laws Minnesota, 1921, and is intended to accompany the bill for the publication in said newspaper of the aforesaid legal advertisement.

Subscribed and sworn to before me this **10th** day of **August** **1931**

(**Otto A. Rupp**)
 Notary Public, Stearns County, Minnesota.

My Commission expires: **10/1/37**

00000138

8927

*Printer's Affidavit of
Publication*

in the

**ST. CLOUD DAILY TIMES
AND THE DAILY JOURNAL PRESS**

OF CITATION FOR HEARING
ON FINAL ACCOUNT AND
FOR DISTRIBUTION.

Estate of

Erwin E. Town,

Deceased.

FILED THIS

11th

DA

OF

Aug.

A.D.

1931

Jacob A. Lahr
Clerk of Probate

000180139

Affidavit of Publication

ORDER LIMITING TIME TO FILE CLAIMS, AND FOR HEARING THEREON

Estate of Erwin E. Town, Deceased.
State of Minnesota, County of Stearns,
In Probate Court.
In the Matter of the Estate of Erwin E. Town, Decedent.

Letters Testamentary this day having been granted to Julia F. Town.

IT IS ORDERED That the time within which all creditors of the above named decedent may present claims against his estate in this court, be, and the same hereby is, limited to six months from and after the date hereof, and that Friday, the 10th day of July, 1931, at nine o'clock A. M. in the Probate Court Rooms, at the Court House at the City of St. Cloud in said County, be, and the same hereby is fixed and appointed as the time and place for hearing upon and the examination, adjustment and allowance of such claims as shall be presented within the time aforesaid.

Let notice hereof be given by the publication of this order in The St. Cloud Daily Times as provided by law.
Dated January 12th, 1931.

(Seal) J. B. HIMSL,
Judge of Probate.
J. B. PATTISON, Esq.,
Attorney for Petitioner.
1-15-22-29

STATE OF MINNESOTA, }
COUNTY OF STEARNS, }

Fred Schlippl

being duly sworn, deposes and says that he now is and during all the times hereinafter mentioned has been the publisher or printer in charge of The St. Cloud Daily Times and The Daily Journal-Press, a daily newspaper, printed and published in the City of St. Cloud in said Stearns County, State of Minnesota, every evening except Sundays.

That he has knowledge of the facts and knows personally that the printed

Limit time to file claims, Hear. thereon hereto attached, cut from the columns of said newspaper, was inserted, printed and published in said newspaper once in each week for . 3 . . . weeks, and that all of said publications were made in the English language.

That said notice was first inserted, printed and published on . . . Thursday . . . the . . . 15th . . . day of . . . January . . . 1931 . . . and was printed and published in said newspaper on each and every . . . Thursday . . . thereafter until and including . . . Thursday . . . 29th . . . day of . . . January . . . 1931 . . .

That during all the times aforesaid, said newspaper was qualified as a medium of official and legal publications as required by sections 3 and 4 of chapter 484, Session Laws of Minnesota, 1921, and that it has complied with all the requirements that constitute a legal newspaper as defined in said sections 3 and 4, to-wit: that for more than one year last past from the date of the first publication of said . . . Limiting time to file claims, and for Hear. thereon . . . and newspaper has been

(1) Printed from the place from which it purports to be issued in the English language, and in column and sheet form equivalent in space to at least four pages, with five columns to the page, each seventeen and three-quarters inches long.
(2) Issued daily except Sundays from a known office established in such place for publication and equipped with skilled workmen and the necessary material for preparing and printing the same.

(3) Made up to contain general and local news, comment and miscellany, not wholly duplicating any other publication, and not entirely made up of patents, plate matter and advertisements, or any or either of them.

(4) Circulated in and near its place of publication to the extent of at least two hundred and forty copies regularly delivered to paying subscribers, and that prior to the date of the first publication of said . . . Limit. time to file claims, . . . and Hear. thereon . . . the publisher or printer in charge of said newspaper having knowledge of the facts, filed in the office of the county auditor of said county of Stearns, State of Minnesota, an Affidavit showing the name and location of said newspaper and existence of conditions constituting its qualification as a legal newspaper as required and set forth in section 3 of Chapter 484, Session Laws Minnesota, 1921.

That the following is a printed copy of the lower case alphabet from A to Z both inclusive of the size and kind of type used in the composition, printing and publication of said legal advertisement hereunto attached, viz:

abcdefghijklmnopqrstuvwxyz

Further affiant saith not, save that this affidavit is made pursuant to section 4 of chapter 484, Session Laws Minnesota, 1921, and that he intended to accompany the bill for the publication in said newspaper of the aforesaid legal advertisement.

Subscribed and sworn to before me this . . . 30th . . . day of . . . January . . . 1931

(Otto A. Rupp)
Notary Public, Stearns County, Minnesota.

My Commission expires 10/1/37

00010140

8927

*Printer's Affidavit of
Publication*

in the

**ST. CLOUD DAILY TIMES
AND THE DAILY JOURNAL PRESS**

OF ORDER LIMITING TIME TO
FILE CLAIMS, AND FOR
HEARING THEREON.

Estate ^{of} Erwin E.
Town, Deceased.

FILED THIS 31st DAY
OF Jan A.D. 1931

Jacob A. Loh
Clerk of Probate

000100441

STATE OF MINNESOTA.
COUNTY OF STEARNS.

SS.

IN PROBATE COURT.

IN THE MATTER OF THE ESTATE OF
ERWIN E. TOWN, DECEDENT.

FINAL ACCOUNT AND
PETITION FOR SETTLEMENT.

Your petitioner, Julia F. Town, respectfully represents and
shows to the Court:

First- That your petitioner is the representative of the estate
of the above named decedent.

Second- That as such representative she has fully administered
the said estate, has paid and satisfied all claims against said
estate allowed by the Court, and in all things complied with the
orders of the Court in said matter and with the law relating thereto.

Third- That she herewith renders her final account of her ad-
ministration, which is as follows, to-wit:-

RECEIPTS.

Personal property described in inventory - - - - - \$53,531.64.

Personal property omitted from inventory-

Claim against James F. Brown	-----	\$5.59	
Claim against Ray Bennett for			
\$55.00 for rent	-----	\$55.00	
Claim against Donald W. Kirk- bal-	-----	\$57.80	\$ 118.39

Gains by sales above appraised value - - - - - \$ nil

Cash from sales of real estate - - - - - \$ nil

Cash from rent of real estate - - - - - \$ 1,168.80
(See Schedule 1 attached)
page 8.

Cash from interest and profits - - - - - \$ 274.52
(See Schedule 2 attached)
page 8.

Cash from all other sources - - - - - \$ 37.31
(See Schedule 3 attached)-
page 10.

TOTAL RECEIPTS FROM ALL SOURCES - - - - - \$55,130.66.

DISBURSEMENTS

I. FAMILY.

Personal property selected by and turned over to surviving spouse --Furniture etc. - - - -	\$450.00	
Cash - - - - -	\$500.00	\$ 950.00
Maintenance of family of decedent - - - - -		\$ 300.00
Total to surviving spouse - - - - -		<u>\$ 1,750.00.</u>

II- EXPENSES OF ADMINISTRATION.

Loss from sale of personal property at less than appraised valuation (See Schedule 7) - - - - -	\$ 576.00
Cash paid for appraisers for services - - - - -	\$ 20.00
Cash paid for publication of orders - - - - -	\$ 21.80
Repairs to real estate - - - - - (See Schedule 6 attached) page 11.	\$ 349.49
Cash paid for insurance - - - - - (See Schedule 4 attached) page 10.	\$ 90.15
Expenses of Representative Premium on bond \$100.00 Safety deposit box 2.00 = =	\$ 102.00
Compensation of Representative - - - - -	\$ nil.
Fees of attorney - - - - -	\$ 300.00
Cash paid for water bills for houses rented to tenants- (See Schedule 5 attached) page 10.	\$ 28.33
Copy of letters - - - - -	\$ 2.00
Copy of final decree and recording same - - - - -	\$ 5.00
Cost of automobile license for 1931- - - - -	\$ 15.75

Total expenses of administration - - - - -	<u>\$1410.32</u>
--	------------------

III. Expenses of Last Sickness.

Cash paid for medical attendance - - - - -	\$ 702.00
Cash paid for medicines - - - - -	\$ nil
Cash paid for nursing - - - - -	\$ nil
Total expenses of last sickness - - - - -	<u>\$ 702.00</u>

IV. FUNERAL EXPENSES.

All funeral expenses were advanced and paid by Allen Town, who filed a claim against the estate for the same- See claims-

N11

V. TAXES.

Personal property tax for 1930 - - - - -	\$ - 9.97
Real property taxes- First Half 1930 taxes - - - - -	\$ 196.63
City Assessments Cl-F1-&Ga-Cl-5-6/3 Reicherts Add	4.20
Total taxes paid - - - - -	<u>\$ 210.80-</u>

VI. CLAIMS OF CREDITORS.

Claim of Allen E. Town - - - - -	\$ 1,065.27
Claim of Marion Guptil - - - - -	\$ 11.75
Claim of Tex Edlbach - - - - -	\$ 1.00

*Total amount of claims paid and settled - - - - \$ 1,078.02

VII. LEGACIES & BEQUESTS.

60 shares of the capital stock of the Monumental Sales & Mfg. Co. bequeathed to Ella M. Repulski- reduced to 48 shares by refusal of surviving spouse to take under decedent's will - - - - - \$ 4,800.00

60 shares of the capital stock of the Monumental Sales & Mfg. Co. bequeathed to Allen E. Town- reduced to 48 shares by refusal of surviving spouse to take under decedent's will - - - - - \$ 4,800.00

60 shares of the capital stock of Monumental Sales & Mfg. Co., bequeathed to Marion D. Guptil- reduced to 48 shares by refusal of surviving spouse to take under decedent's will - - - - - \$ 4,800.00

60 shares of the capital stock of Monumental Sales & Mfg. Co. bequeathed to Mabel A. Town (now Mabel A. Carlson)- reduced to 48 shares by refusal of surviving spouse to take under decedent's will - - - - - \$ 4,800.00

LEGACIES-- continued)

Amount brought forward - - - \$ 19,200.00

60 shares of the capital stock of Monumental Sales & Mfg. Co., bequeathed to Lettie L. Hanson- reduced to 48 shares by refusal of surviving spouse to take under decedent's will - - - - - \$ 4,800.00

22 Total legacies and bequests paid - - - - - \$ 24,000.00

RECAPITULATION.

Total Receipts from all sources - - \$ 55,130.66

Disbursements-

1. Personal property selected by surviving spouse \$ 950.00

2. Maintenance of family \$ 800.00

3. Expenses of administration \$ 1,410.32

4. Expenses of Last Sickness \$ 702.00

5. Funeral Expenses (See claim of Allen E. Town)

6. Taxes \$ 210.80

7. Claims of Creditors \$ 1,078.02

8. Specific legacies \$ 24,000.00

Total Credits \$ 29,151.14

Residue of personal property remaining for distribution \$ 25,979.52

Totals - - - - - \$ 55,130.66 \$ 55,130.66.

REAL ESTATE FOR DISTRIBUTION.

Fourth- That there is no homestead of decedent- but there is belonging to said estate for distribution the following described real estate situate in the County of Stearns and State of Minnesota, to-wit:-

(a)-Lot Five (5), in Block Three (3), in Reichert's Addition to St. Cloud, according to the plat and survey thereof on file and of record in the office of the register of deeds in and for said Stearns County;

(b)- Lot Six (6), in Block Three (3), in Reichert's Addition to St. Cloud, according to the plat and survey thereof on file and of record in the office of the register of deeds in and for said Stearns County;

- (c)- Lots Fifteen (15) and Sixteen (16), in Block Fourteen (14), in Normal Park Addition to St. Cloud, according to the plat and survey thereof on file and of record in the office of the register of deeds in and for said Stearns County;
- (d)- Lot Five (5), in Block Twenty (20), in the Town of St. Cloud City (now a part of the City of St. Cloud), according to the plat and survey thereof made by T. A. Curtis on file and of record in the office of the register of deeds in and for said Stearns County;
- (e)- Lot Six (6), in Block Three (3), in McClure & Whitney's Addition to the City of St. Cloud, according to the plat and survey thereof on file and of record in the office of the register of deeds in and for said Stearns County;
- (f)- Lot Eight (8), in Block Three (3), in McClure & Whitney's Addition to the City of St. Cloud, according to the plat and survey thereof on file and of record in the office of the register of deeds in and for said Stearns County;

RESIDUE OF PERSONAL PROPERTY.

The residue of the personal property of said estate remaining for distribution consists of the following:-

(1)- 130 shares of the capital stock of the Monumental Sales & Mfg. Co., to be assigned to Julia F. Town, surviving spouse of the decedent- of the appraised value of - - - - - \$12,000.00

(2)- Note of Monumental Sales & Manufacturing Company dated Dec. 1, 1928, due on demand, payable to order of E. E. Town, bearing interest at 6% per annum, interest paid to June 2, 1931, of the appraised value of - - - - - \$ 2,592.00

(3)- Note of Monumental Sales & Manufacturing Co., dated Dec. 2, 1929, due on demand, payable to order of E. E. Town, bearing interest at the rate of 6% per annum, interest paid to June-1-1931- of the appraised value of \$ 2,592.00

(4)- Note of George Guy and Marie Guy, dated August 10, 1928, due ~~xxxxxxx~~ one year after date, bearing interest at 7% per annum, payable to order of E. E. Town, balance due May-25-1930- \$1539.00*- appraised value--- \$ nil

\$1288.00 paid on principal here 12-1-1930

- (5)- BROWN MORTGAGE, Note for \$1950.00 dated Sept. 8th, 1930, made by James F. Brown and Mary E. Brown, payable to the order of E. E. Town, secured by a mortgage, dated Sept. 8, 1930, made by James F. Brown and Mary E. Brown, mortgagors, to E. E. Town, mortgagee, filed for record in the office of the register of deeds of Stearns County, Minn., on Sept. 10, 1930, at 3 P. M., and recorded in Book 111 of Mortgages on page 15, covering lots 15, 16, 17, 18, 19 and 20, in Block 8, in Collate Place Addition to St. Cloud, of the appraised value of \$1,950.00
- (6)- JESOK MORTGAGE, Note for \$1,400.00, dated April 8th, 1928, made by Walter Jesok and Mary Jesok, payable to the order of E. E. Town, due on or before April 8th, 1938, bearing interest at 4% per annum, payable annually- Interest indorsed paid to April 9th, 1930- Secured by a mortgage, dated April 9, 1928, made by Walter Jesok and Mary Jesok, mortgagors to E. E. Town, mortgagee, filed for record in the office of the register of deeds of Benton County, Minnesota, on April 10, 1928, at two P. M. and recorded in Book 45 of Mortgages on page 384- covering the following lands in Benton County, Minnesota, viz: W₂ of NW₄ of Section 25, Twp. 33, Rge 31, excepting therefrom a tract described as follows: Beginning at a point on the north line of said tract 20 rods east of the northwest corner thereof, thence South 16 rods, thence east 20 rods, thence north 16 rods to the north line of said tract, thence west 20 rods along said north line to the point of beginning- of the appraised value of \$1,437.34
- (7) LAGERGREN MORTGAGE- Note for \$3,400.00, dated June 16th, 1924, made by Hildur W. Lagergren and Amlil A. Lagergren, to E. E. Town, due June 16, 1929, bearing interest at 7% per annum- (Interest paid to June 16th, 1931) secured by mortgage, dated June 16th, 1924, made by Hildur W. Lagergren and Amlil A. Lagergren, mortgagors, to E. E. Town, mortgagee, filed for record in the office of the register of deeds of Stearns County, Minnesota, on June 16th, 1924, at 1:30 P. M., and recorded in Book 100 of Mortgages on page 211- covering the following lands in Stearns County, Minnesota, viz: Lot 14, in Bensen's Re-Subdivision of Block 5, of Metzroth's Addition to St. Cloud of the appraised value of (Less interest paid) \$3,400.00
- (8) RECEIVER'S CERTIFICATE of proof of claim #1274 issued by the receiver of The First National Bank of St. Cloud, dated Sept. 9, 1925, to E. E. Town, for deposit of \$451.08
Dividends paid and indorsed-
April 13th, 1928 \$45.11
Aug- 21, 1928 45.11
July 18, 1931 37.06
of the appraised value (less dividend of \$27.06 paid to Executrix) of 18.05

(RESIDUE OF PERSONAL PROPERTY- continued from preceding page)

- (9)- Claim of decedent against Ray Bennett
for house rent - - - - - \$ 55.00
(item omitted from inventory- See page 1).
- (10)- Note of Donald Kirk and Manila Kirk, for
\$142.80, dated Feb. 21, 1928, payable to
order of E. E. Town, bearing interest at
6% per annum, on which the sum of \$85.00
has been paid- secured by a
Chattel Mortgage, dated Feb-21,1928, filed
in office of register of deeds of Stearns
County, Minn., on Feb-21-1928 at 11:15 A. M.,
as Instrument No. 30,944, made by Donald
Kirk, mortgagors, to E. E. Town, mortgagee-
(Included in items omitted from inventory
see "Receipts- page 1) - - - - - \$ 57.80
- (11)- Row boat - - - - - \$ 25.00
- (12)- One Plymouth automobile - - - - - \$ 132.00
- @
- (13)- Cash - - - - - \$ 1,720.33

TOTAL AMOUNT OF RESIDUE OF PERSONAL PROPERTY
REMAINING IN HANDS OF REPRESENTATIVE FOR
DISTRIBUTION * - - - - - \$ 25,979.52

FIFTH- That said decedent died on the 8th day of December, 1930, testate, and left him surviving, Julia F. Town, his widow, and Ella M. Repulski, Allen E. Town, Marion D. Gupitl, Mabel A. Carlson, and Lettie L. Hansen, his children, who are the sole devisees and legatees of said decedent, and the persons entitled to the residue of said estate.

WHEREFORE, Your petitioner prays the order of this Court fixing a time and place for the hearing of this petition and examination of his final account, and the settlement and allowance of the same; and that, upon said hearing the Court issue its final decree, assigning the residue of said estate to the persons thereunto entitled.

Dated July 20, 1931.

Julia F. Town
Petitioner.

STATE OF MINNESOTA)
COUNTY OF STEARNS) ss.

Julia F. Town, being duly sworn, says that she is the person who made the foregoing petition; that she knows the contents thereof, and that the same is true of her own knowledge, except as to those matters therein stated on her information and belief, and as to those matters she believes it to be true.

Julia F. Town

Subscribed and sworn to before me

this 20th day of July, 1931.

A. A. Lippsmeyer
A. A. LIPPSMEYER,
Notary Public, Stearns County, Minnesota,

My commission expires February 12, 1937.

---RECEIPTS,-- Schedule No. 1.

Cash from rent of Real Estate:

1930		
December 18th,	Rent 823 16th Avenue S.	\$17.00
December 22nd,	" 1300 11th Avenue S.	20.00
December 23rd,	" 721 17th Avenue S.	28.00
December 23rd	" 717 17th Avenue S.	25.00
1931.		
January 5th	" 623 16th Avenue S.	30.00
January 8th,	" 825 2nd Avenue S.	30.00
January 17th,	" 823 16th Avenue S.	16.00
January 22nd,	" 1300 11th Avenue S.	20.00
February 2nd,	" 717 17th Avenue S.	25.00
February 2d,	" 721 17th Avenue S.	28.00
February 3,	" 823 16th Avenue S.	16.00
February 3,	" 829 16th Avenue S.	30.00
February 9,	" 825 2nd Avenue S.	30.00
February 27,	" 1300 11th Avenue S.	20.00
March 3,	" 717 17th Avenue S.	25.00
March 3,	" 721 16th Avenue S.	28.00
March 3rd,	" 823 16th Avenue S.	16.00
March 3,	" 825 2nd Avenue S.	30.00
March 8th,	" 829 16th Avenue S.	30.00
March 16th	" 717 17th Avenue S.	25.00
March 19,	" 823 16th Avenue S.	10.00
March 24	" 1300 11th Avenue S.	20.00
March 31,	" 721 17th Avenue S.	28.00
April 2d,	" 829 16th Avenue S.	30.00
April 6th,	" 825 2nd Avenue S.	30.00
April 15th	" 717 17th Avenue S.	25.00
April 28th	" 721 17th Avenue S.	28.00
May 4th,	" 825 2nd Avenue S.	35.00
May 4th,	" 823 16th Avenue S.	40.00
May 4th	" 829 16th Avenue S.	30.00
May 7,	" 1300 11th Avenue S.	20.00
May 12th,	" 717 17th Avenue S.	25.00
May 25,	" 823 16th Avenue S.	6.50
May 27th	" 721 17th Avenue S.	28.00
June 1,	" 829 16th Avenue S.	30.00
June 2,	" 823 16th Avenue S.	24.74
June 3,	" 823 16th Avenue S.	32.50
June 8th	" 825 2nd Avenue S.	35.00
June 8,	" 1300 11th Avenue S.	20.00
June 22nd,	" 717 17th Avenue S.	10.00
June 25,	" 721 17th Avenue S.	28.00
July 2nd	" 823 16th Avenue S.	16.00
July 3rd,	" 829 16th Avenue S.	30.00
July 6th,	" 825 2nd Avenue S.	35.00
July 9,	" 823 16th Avenue S.	32.50
July 11,	" 1300 11th Avenue S.	20.00
July 17,	" 823 16 Ave. S.	11.56
Total receipts from rent of real estate		<u>\$1,168.80.</u>

RECEIPTS--Schedule No. 2.

Cash from interest and profits.

June 3rd, 1931, interest on Monumental Company Note	\$155.52
July 7th, 1931, interest on A. A. Lagergren int of mortgage	119.00
Total receipts from interest and profits	<u>\$274.52.</u>

RECEIPTS- Schedule No.3
Cash from all other sources:

January 22nd, 1931 1300 11th Avenue So.	\$.50
water bill penalty of November 25,	
February 9th, refund of water bill of Feb. 2.	2.78
February 9th, refund of water bill	6.64
April 2nd refund of water bill	1.48
April 13th refund of water bill	2.36
May 7th, refund of water bill	1.00
June 2nd refund on water bill	1.82
June 6th refund on water bill	2.46
June 10, refund on car license	.17
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	2.23
July 2nd, delinquent water bill	.99
July 2nd, refund on water bill	1.70
July 3rd, refund on water bill	1.34
July 9th, refund on water bill	1.02
July 11th, refund on water bill	1.10
June 10, Premium Dep. Farm Mutual Ins. Co.	3.31
July 15, Refund on water bill	3.64

Total cash from all other sources ----- \$37.31.

DISBURSEMENTS- Schedule No.4
Cash paid for insurance.

May 12th, 1931. P. H. Collignon for ins. for	
829 16th Avenue South,	10.00
May 12th, 1931, Kinsella Insurance Agency	59.50
July 2, Hiskern Insurance Agency	20.65
Total paid for insurance.	<u>\$90.15</u>

Disbursements- Schedule No. 5.
Cash paid for water bills.

February 2nd, 1931, water bills	9.42
April 12th Water bill at 829 16th Avenue S.	1.48
April 12th water bill at 1300 11th Ave. S.	1.00
April 12th water department	4.18
May 12th water bill for 829 2nd Avenue S.	2.46
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	2.23
July 2nd, St. Cloud Water Department	8.77
July 2nd, paid water bill 823 16th Avenue S.	1.02

Total cash paid for water bills ----- \$ 28.33.

DISBURSEMENTS- Schedule No.6
Repairs to Real estate.

December 23, 1930 for repairs at 721 17th Avenue S.	\$1.00
Feb. 2, 1931, Tex Edelbach plumbing	1.00
March 31, fixtures at 721 17th Avenue So.	3.00
April 9th, 1931, Tex Edelbach for plumbing	.75
April 12th, Powell Hardware Company	51.00
May 4th, 1931, for varnish at 829 18th Avenue S.	4.85
May 11th, 1931, cash paid for adv. house for rent	.30
May 12th, Nele Simonson	5.15
May 14th Leonard Lotz,	10.00
May 18th, Leonard Lotz,	35.00
May 30, 1931, cash for door stops at F.W. Grand	1.45
June 10th, for 823 18th Avenue S.	3.00
June 4th cash paid F. Laudenbach for hauling rubbish	.50
June 5th, 1931 cash paid Hartel and Koerber for screen for 823 18th Avenue South,	.75
June 10th, 1931, James Brown,	8.75
June 10th, J. A. Neil,	8.03
June 10th, Frank Fandel Col shades	9.13
June 10, Powell Hardware Co. Misc.	20.80
June 10th, Dannewold and Sartell, windows,	8.48
June 10th, Tex Edelbach	1.75
June 10th William Hart for papering	20.00
June 12th 1931 cash paid Maixner Drug for disinfectant	4.50
June 24th Leonard Lotz for labor	57.00
July 2nd, J. A. Neil	4.01
July 2nd Frank Fandel Co. shades	7.00
July 14th. Paid Times for advertising	3.42

Total repairs to real estate ----- \$ 249.49.

DISBURSEMENTS - SCHEDULE 7.
(Correction of inventory)

MONUMENTAL SALES & MFG. NOTES-

The Inventory- Class V- Items 4 and 5 list two notes of the Monumental Sales & Mfg. Co. for \$2880.00 each with indorsements of interest to June 1-1930- The Inventory- Class V- Item 3- lists check of Monumental Sales & Mfg. for \$748.00. It is found that this check made to decedent was given in payment of 10% of the principal of the notes- Items 4 and 5- \$576.00- and also for interest on same to Dec-1-1930- \$172.00- These notes were appraised at full amount. The Inventory should be reduced as to these items by amount of such payment on the principal, i. e. \$576.00 ----- \$ 576.00

STATE OF MINNESOTA, }
County of Stearns. } ss.

IN PROBATE COURT.

IN THE MATTER of the Estate of Erwin E. Town, Deceased.

OBJECTIONS OF REPRESENTATIVE TO
ALLOWANCE OF PETITION PRAYING FOR
LEAVE TO FILE CLAIM OF H. H. PERRY,
ALLEGED ADMINISTRATOR OF THE ESTATE
OF MOLLIE N. TOWN, DECEASED.

Comes now Julia F. Town, sole Executrix and Representative of the Estate of Erwin E. Town, deceased, and hereby objects to the granting of the petition of H. H. Perry, the alleged Administrator of the Estate of one Mollie N. Town, deceased, against the estate of the above named decedent. The grounds of said objections are as follows:

1. That the time for the filing of claims against said estate has expired, and that the claimant, or those for whom the said claimant is interested, were fully aware of the said period of time for the filing of claims and the limitation of time in respect thereto. That said claimant, or the beneficiaries for whom he is acting, were present or represented at the time of the hearing on claims in said estate, and participated in said hearing, and that said petition, for said reason, should be denied.

2. That on the merits, the said alleged representative of said estate, and the beneficiaries of the Estate of the said Mollie N. Town, deceased, are not creditors of the Estate of Erwin E. Town, deceased. That any and all claims of the distributees of the Estate of said Mollie N. Town, deceased, were, long previous to the death of the said Erwin E. Town, decedent above named, settled, satisfied and paid.

Objector reserves the right to enter further and additional objections to the claim and the merits

WHEREFORE, Your Representative prays the Court that said petition be denied and opportunity for the filing of said claim refused.

Dated, St. Cloud, Minnesota, September 22nd, 1931.

Julia F. Town.
Sole Executrix and Representative
of the Estate of Erwin E. Town,
Deceased.

STATE OF MINNESOTA, }
County of Stearns. } ss.

JULIA F. TOWN, being first duly sworn on oath, deposes and says, that she is the sole Executrix and Representative of the Estate of Erwin E. Town, deceased; that she has read the foregoing Objections and knows the contents thereof, and that the same is true of her own knowledge, except as to those matters therein stated on information and belief, and as to those matters she believes it to be true.

Subscribed and sworn to before me
this 22nd day of September, 1931.

A. A. Lippmeyer
A. A. LIPPMEYER,
Notary Public, Stearns County, Minnesota,
My commission expires Feb. 12, 1937.

STATE OF MINNESOTA)
COUNTY OF STEARNS)

SS.

IN PROBATE COURT.

In the Matter of the Estate of
Erwin E. Town, Deceased.

O R D E R.

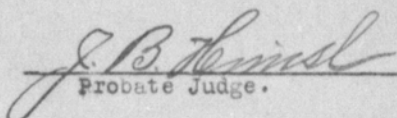
The petition of Julia F. Town, representative of the estate of the above named decedent, praying for authority to pay out of the funds of the estate of said decedent the amount due and owing Mathew Hall on his mechanic's lien, dated December 8th, 1930, and recorded in the office of the Register of Deeds of Stearns County, Minnesota, on December 8th, 1930, in Book G of Liens on page 499, upon Lot 17, in Block 8, in Cottage Place Addition to St. Cloud, which lien is paramount to that certain mortgage on said real estate made by James F. Brown and wife, as mortgagors, to Erwin E. Town, said decedent, as mortgagee, for \$1950.00, which mortgage was recorded in the office of said Register of Deeds on September 10th, 1930, in Book 111 of Mortgages page 15; and further authorizing said representative to take a mortgage from the said James F. Brown and his wife upon the above described real estate for the amount paid to release and discharge the lien of said Mathew Hall, having come on for hearing before the Court and the Court having heard said representative, and being satisfied that the facts set forth in said petition are true and that it being for the best interests of said estate that such authority be granted;

NOW, THEREFORE, IT IS HEREBY ORDERED, that Julia F. Town, the representative of said estate, is hereby authorized to pay to Mathew Hall the sum of \$288.15, in satisfaction and discharge of his aforesaid lien, and that said representative is hereby authorized to take from James F. Brown and his wife a mortgage upon the said described real estate for said sum of \$288.15, plus the costs and expenses of making

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and recording such mortgage, if the same have to be advanced by said representative; said mortgage to be a second lien on said real estate, subject only to the mortgage of \$1950.00 now held by said estate; and said mortgage to mature not more than three years from date, and to be payable at such times and such amounts as said representative may agree upon with James F. Brown.

Dated at St. Cloud, Minnesota, this 5th day of October, 1931.



Probate Judge.

STATE OF MINNESOTA, }
County of Stearns. }

IN PROBATE COURT.

IN THE MATTER of the Estate of Erwin E. Town, Deceased.

OBJECTIONS OF REPRESENTATIVE
TO ALLOWANCE OF PETITION FOR
FILING OF CLAIM OF ALLEN E. TOWN, ET AL.

Comes now Julia F. Town, sole Executrix and Representative of the Estate of Erwin E. Town, deceased, and objects to the granting of the petition of Allen E. Town, Ella M. Repulski, Marion D. Gupstill, Mabel A. Carlson and Lettie L. Hanson, children and heirs at law of said Erwin E. Town, praying for leave to file a claim in the sum of One thousand Dollars (\$1000.00) and interest, against the estate of said decedent, upon the following grounds:

1. That the said petitioners were fully conversant with the time for filing claims against the estate of said decedent and the expiration of such period. That they were present at the time of the hearing of claims against the estate of said decedent, and that said claimants, either personally or by representative, participated in said hearing on claims and at all times were fully aware of the running of said period limiting time to file claims against the estate.

2. On the merits, said claimants have no claim whatsoever against said estate. That any and all indebtedness of the decedent to said claimants was, long previous to the death of said decedent, fully paid, settled and discharged.

previous to the death of decedent and is barred by the Statute of Limitations
WHEREFORE, your Representative prays that said petition and the relief therein sought be denied.

Dated, St. Cloud, Minnesota, September 22nd, 1931.

Julia F. Town
Sole Executrix and Representative
of the Estate of Erwin E. Town, deceased.

STATE OF MINNESOTA, }
County of Stearns. } ss.

JULIA F. TOWN, being first duly sworn on oath, deposes and says, that she is the sole Executrix and Representative of the Estate of Erwin E. Town, deceased; that she has read the foregoing Objections and knows the contents thereof, and that the same is true of her own knowledge, except as to those matters therein stated on information and belief, and as to those matters she believes it to be true.

Julia F. Town

Subscribed and sworn to before me

this 23rd day of September, 1931.

A. A. Lippmeyer
A. A. LIPPMEYER,
Notary Public, Stearns County, Minnesota.
My commission expires Feb. 12, 1937.

STATE OF MINNESOTA

COUNTY OF STEARNS

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF ERWIN E. TOWN, DECEASED.

AFFIDAVIT OF SERVICE

STATE OF MINNESOTA)
 ss.
COUNTY OF STEARNS)

RUTH L. HYSLOP came before me personally and being first duly sworn on oath says that she is a citizen and resident of the State of Minnesota, of full legal age. That on the 28th day of August, 1931, she served the annexed citation and order of the court upon Julia F. Town, executrix of the estate of Erwin E. Town, deceased, by handing to and leaving with said Julia F. Town personally, at her residence in the City of St. Cloud, Minn., a true and correct copy of said citation and order.

Ruth L. Hyslop

Subscribed and sworn to before me
this 1st day of September, 1931.

H. H. Sullivan

H. H. SULLIVAN,
Notary Public, Stearns County, Minn.,
My Commission Expires May 24, 1933.

STATE OF MINNESOTA

COUNTY OF STEARNS

IN PROBATE COURT

* * * * *

IN THE MATTER OF THE ESTATE OF ERWIN E. TOWN, DECEASED.

* * * * *

C I T A T I O N

WHEREAS, a duly verified petition has been filed in this court by Allen E. Town, Ella M. Repulski, Marion D. Guptill, Mabel A. Carlson and Lettie L. Hanson, children and heirs at law of said Erwin E. Town, setting forth that they are all of the surviving children of one Mollie N. Town, who died on the 16th day of March, 1908, being at the time of her death a resident of Dickey County, in the State of North Dakota, and that said Mollie N. Town was a former wife of said Erwin E. Town; and

WHEREAS, said petition recites further that said Erwin E. Town thereafter petitioned the County Court of Dickey County, North Dakota, for his appointment as guardian of your petitioners who were all at the time minors, and that pursuant to said petition he was on the 23rd day of March, 1908, duly appointed guardian of your petitioners; that Letters of Guardianship were duly issued to him on said 23rd day of March, 1908, by said County Court of Dickey County, North Dakota; that said Erwin E. Town duly qualified as such guardian, and thereafter collected as such guardian, from the Royal Neighbors of America, the sum of One Thousand Dollars (\$1,000) upon an insurance policy in said association issued to said Mollie N. Town and payable to her said five minor children, your petitioners herein, as beneficiaries; and

WHEREAS, said petition further sets forth that the said County Court of Dickey County, North Dakota, had full and complete jurisdiction over guardianship matters, under the laws of the State of North Dakota, and exercised and had complete jurisdiction and control over the estates of your petitioners and over the appointment of their father, Erwin E. Town, as their guardian; and

WHEREAS, said petition further sets forth that said Erwin E. Town after his appointment as said guardian and after the collection of said sum of One Thousand Dollars (\$1000), which sum he received on the 20th day of April, 1908, left the State of North Dakota, and converted said sum of One Thousand Dollars (\$1,000) to his own personal use and benefit, and that he has never accounted in any way to the County Court of Dickey County nor to your petitioners for said money; and

WHEREAS, said petition further sets forth that said petitioners had no knowledge of the receipt of said money by Erwin E. Town nor of the fact that he had ever been appointed their guardian until about two months ago when upon investigation of the records in the office of the County Court of Dickey County, North Dakota, they discovered the facts in reference to the appointment of their father as their said guardian and as to the receipt by him of said sum of One Thousand Dollars (\$1,000) and his conversion thereof to his own use; and

WHEREAS, said petition further sets forth that the said petitioners, children of Mollie N. Town, have now all attained their majority, and are desirous of filing a claim against the estate of their said father, Erwin E. Town, for the said sum of One Thousand Dollars (\$1,000) with legal interest thereon since the receipt thereof by said Erwin E. Town; and

WHEREAS, said petitioners have filed with this court certified copies of the records of said County Court of Dickey County, North Dakota, showing the appointment of their said father, Erwin E. Town, as guardian, and showing the receipt by him of said One Thousand Dollars (\$1,000) in trust for them as such guardian;

NOW, THEREFORE, It is hereby ordered that the executrix and representative of the estate of Erwin E. Town, one Julia F. Town, his widow, be cited and ordered to appear before this court on the 14 day of September, 1931, at nine o'clock A. M., to show cause

if any she has, why the prayer of said petitioners should not be granted and said claim allowed to be filed as a claim against the estate of said Erwin E. Town, deceased, and a hearing thereon ordered before this court.

ORDERED FURTHER, that this order and citation be personally served upon Julia F. Town, executrix and representative of the estate of said Erwin E. Town, deceased, on or before the 29th day of ~~September~~^{August} 1931, personally, in the same manner as the service of a summons in the district courts of this state.

Dated at St. Cloud, Minn., this 27 day of August, 1931.

E. B. Smith
Judge of Probate Court, Stearns
County, Minnesota.

STATE OF MINNESOTA

COUNTY OF STEARNS

IN PROBATE COURT

* * * * *

IN THE MATTER OF THE ESTATE OF ERWIN E. TOWN, DECEASED.

* * * * *

AFFIDAVIT OF SERVICE

STATE OF MINNESOTA)
COUNTY OF STEARNS) ss.

RUTH L. HYSLOP came before me personally and being first duly sworn on oath says that she is a citizen and resident of the State of Minnesota, of full legal age. That on the 28th day of August, 1931, she served the annexed citation and order of the court upon Julia F. Town, executrix of the estate of Erwin E. Town, deceased, by handing to and leaving with said Julia F. Town personally, at her residence in the City of St. Cloud, Minn., a true and correct copy of said citation and order.

Ruth L. Hyslop

Subscribed and sworn to before me
this 1st day of September, 1931.

H. H. Sullivan

H. H. SULLIVAN,
Notary Public, Stearns County, Minn.,
My Commission Expires May 24, 1933.

STATE OF MINNESOTA

COUNTY OF STEARNS

IN PROBATE COURT

* * * * *

IN THE MATTER OF THE ESTATE OF ERWIN E. TOWN, DECEASED.

* * * * *

C I T A T I O N

WHEREAS, a duly verified petition has been filed with this Court in the above entitled proceeding by one H. H. Perry, claiming to be the administrator of the estate of one Mollie N. Town, deceased, and that he has been duly appointed administrator of said Mollie N. Town estate by the County Court of Dickey County, North Dakota, and filing with his said petition certified copies of records of said County Court showing his appointment and authority as such administrator; and

WHEREAS, said petition further sets forth that said Mollie N. Town was a former wife of said Erwin E. Town, and that she died intestate, a resident of Dickey County, North Dakota, on the 16th day of March, 1908, leaving surviving her as heirs at law under the North Dakota law the above named Erwin E. Town, her surviving husband, and five children who were minors at the time, and whose names are respectively: Allen E. Town, Marion D. Guptill, Ella M. Repulski, Mabel A. Carlson and Lettie L. Hanson; and

WHEREAS, said petition further sets forth that said Erwin E. Town was duly appointed administrator of the estate of his deceased wife, Mollie N. Town, by the said County Court of Dickey County, North Dakota, on the 20th day of April, 1908; that he duly qualified as such administrator, and that Letters of Administration were duly issued to him by said court on said date; and

WHEREAS, said petition further recites that said County Court of Dickey County, North Dakota, had under the laws of North Dakota complete jurisdiction of the estates of deceased persons in said county, and that said Mollie N. Town and her said surviving husband, Erwin E. Town, and said minor children, were at the time of the death of said Mollie N. Town, all bona fide residents of said Dickey County, North Dakota; and

WHEREAS, said petition further sets forth that said Erwin E. Town
North Dakota,
as a result of the sale of certain real estate in Dickey County/be-
longing to the estate of said Mollie N. Town and by reason of the
collection of One Thousand Dollars (\$1,000) life insurance left
by said Mollie N. Town which was payable to her estate, took and got
into his possession the sum of Nine Thousand Dollars (\$9,000) during
the years of 1908 and 1909, the more specific dates of the receipt
of said moneys being set forth in said petition; and

WHEREAS, said petition further sets forth that said Erwin E. Town
as such administrator left the State of North Dakota after the receipt
by him of said money without settling up the administration of said
estate or accounting for the receipt of said money in any way, and that
he converted to his own use the said sum of Nine Thousand Dollars
(\$9,000) belonging to the Mollie N. Town estate, and used said money
in the conduct of his own business; and

WHEREAS, said petition further sets forth that the facts in refer-
ence to the receipt and conversion of said money did not become known
to any of the children or other heirs of the Mollie N. Town estate
until about two months ago when the same was discovered by an exam-
ination of the records of said Dickey County, North Dakota; and

WHEREAS, thereafter steps were taken immediately to secure the
appointment of an administrator for the estate of said Mollie N. Town
in said County Court of Dickey County, North Dakota, in order to com-
plete the administration of her estate and to recover the moneys and
property belonging thereto; and

WHEREAS, the usual period of six months allowed for the filing of
claims against the estate of said Erwin E. Town had expired before
the discovery of the matters and things set forth in said petition
in reference to the Mollie N. Town estate; and

WHEREAS, in said petition leave is asked from this court for the
filing of a claim against the estate of said Erwin E. Town by said
petitioner, H. H. Perry, in his capacity as administrator of the estate
of Mollie N. Town, and in support thereof he has filed with said petition

certified copies of the records in the office of the County Court of Dickey County, North Dakota, and in the office of the Register of Deeds of said Dickey County;

NOW, THEREFORE, It is hereby ordered that the executrix and representative of said Erwin E. Town Estate, Julia F. Town, be hereby cited and required to appear before this Court and show cause, if any she have, on the 14 day of September, 1931, at nine o'clock A. M., why the prayer of said petitioner should not be granted and said claim allowed to be filed and a hearing thereon ordered before this court.

ORDERED FURTHER, that this order and citation be served upon said Julia F. Town, executrix and representative of the estate of Erwin E. Town, personally, on or before the 29 day of August 1931, in the same manner as the service of a summons in the district Courts of this state.

Dated at St. Cloud, Minn., this 27th day of August, 1931.

J. B. Merrill
Judge of Probate Court, Stearns
County, Minnesota.

STATE OF MINNESOTA

COUNTY OF STEARNS

IN PROBATE COURT

* * * * *

IN THE MATTER OF THE ESTATE OF ERWIN E. TOWN~~e~~, DECEASED

* * * * *

CITATION

To Julia F. Town~~e~~, as Executrix of the Estate of Erwin E. Town~~e~~, deceased, to Julia F. Town~~e~~, personally, and to Ella M. Repulski, Marion D. Guptill, Mabel A. Carlson, Lettie L. Hanson and Allen E. Town~~e~~:

Whereas, a duly verified petition has been filed with this Court by one H. H. Perry, as special administrator of the estate of One Mollie N. Town~~e~~, deceased, claiming among other allegations contained therein that he, the said H. H. Perry, is the duly appointed, qualified and acting administrator of the estate of said Mollie N. Town~~e~~, and that Letters of Administration as such were duly issued to him by the County Court of Dickey County, North Dakota, on the 28th day of July, 1931;

That the said Mollie N. Town~~e~~ died intestate on the 16th day of March, 1908, being at the time of her death a resident of Spring Valley township in said Dickey County, North Dakota, and that she left surviving her at the time of her death as her heirs at law, Erwin E. Town~~e~~, the decedent above named, as her surviving spouse, and Ella M. Town~~e~~, now Ella M. Repulski, Marion D. Town~~e~~, now Marion D. Guptill, Mabel A. Town~~e~~, now Mabel A. Carlson, Lettie L. Town~~e~~, now Lettie L. Hanson, and Allen E. Town~~e~~, the minor children of said Mollie N. Town~~e~~, deceased.

That the said County Court of Dickey County, North Dakota, has jurisdiction over estates of deceased persons in that county under the constitution and laws of the State of North Dakota, and that after the death of said Mollie N. Town~~e~~, on the 20th day of April, 1908 such proceedings were duly had in said County Court of Dickey County, North Dakota, that the above named decedent, Erwin E. Town~~e~~, was appointed as administrator of the estate of Mollie N. Town~~e~~, deceased; that he duly qualified as such administrator and that Letters

of Administration were duly issued to him as such by said County Court, and that ever since that date and until the death of said Erwin E. Towne on the 8th day of December, 1930, he continued to be the duly appointed, qualified and acting administrator of the estate of said Mollie N. Towne, deceased.

That as such administrator of the estate of Mollie N. Towne, deceased, the said Erwin E. Towne did, on the 23rd day of February, 1909, sell certain lands belonging to the estate of said Mollie N. Towne, lying and being in the County of Dickey, State of North Dakota, and did receive therefor the sum of Eight Thousand Dollars (\$8,000); that in addition thereto, as such administrator of said estate, he did receive and collect from the Manhattan Life Insurance Company, the sum of One Thousand Dollars (\$1,000) in payment of a life insurance policy issued to the said Mollie N. Towne in her lifetime and payable to her estate; and that in addition thereto said Erwin E. Towne as such administrator did, soon after his appointment as such, receive and collect from the Royal Neighbors of America, an insurance corporation, the sum of One Thousand Dollars (\$1,000) in payment of a life insurance policy issued to the said Mollie N. Towne in her lifetime. That in all there came into the hands of said Erwin E. Towne as administrator of the estate of Mollie N. Towne, the sum of Ten Thousand Dollars (\$10,000), which sum remained in his hands and under his control from the 23rd day of February, 1909, until his death on the 8th of December, 1930.

That at no time did the said Erwin E. Towne as administrator of the estate of Mollie N. Towne render to the County Court of Dickey County, North Dakota, any accounting or report of his administration of said estate of said Mollie N. Towne, deceased, and no distribution of the funds belonging to the said estate in the hands of said Erwin E. Towne as administrator as aforesaid was ever ordered by the County Court of Dickey County, North Dakota, and no distribution of said estate was ever in fact made by the said Erwin E. Towne as such administrator.

That the said Erwin E. Towne during his lifetime used the funds which came into his hands as administrator of said estate of Mollie N. Towne, deceased, for his own personal use, and invested and re-invested said funds without any order from the County Court of Dickey County, North Dakota, authorizing such use, and by reason of such investment of the funds belonging to said estate of Mollie N. Towne, deceased, he accumulated a large amount of money and property, all of which belonged to the estate of said Mollie N. Towne, deceased.

That ever since the 8th day of December, 1930, the date of the death of said Erwin E. Towne, and until the appointment of H. H. Perry as special administrator, there has been no administrator of the estate of said Mollie N. Towne, deceased, and no person or representative authorized by law to file a claim against the estate of said Erwin E. Towne, deceased, and that said H. H. Perry as special administrator did not have any notice of the death of said Erwin E. Towne, nor of the fact that his estate was in the course of probate in the Probate Court of Stearns County, Minnesota, nor of the fact that a notice to creditors had been published by the executrix of said estate pursuant to an order of said Probate Court of Stearns County, Minnesota, nor did said special administrator have any notice or knowledge of the date within which the time would expire for the filing of claims against the estate of said Erwin E. Towne, deceased,

NOW, THEREFORE, the said Julia F. Towne as executrix of the estate of said Erwin E. Towne, deceased, said Julia F. Towne in person, and said Ella M. Repuleki, Marion D. Guptill, Mabel A. Carlson, Lettie L. Hanson and Allen T. Towne, and each of them, are hereby cited and ordered to appear before this court on the 21st day of August, 1931, at Nine o'clock A. M., to show cause, if any they have, why there should not be an accounting as between the estate of said Mollie N. Towne, deceased, as represented by the special administrator of her estate, and the estate of said Erwin E. Towne, deceased.

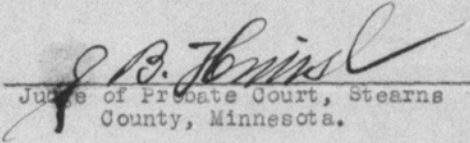
IT IS FURTHER ORDERED by this Court that the time for the filing of claims herein be extended until such time as such an accounting can

be had and an opportunity given to said special administrator to file a claim against the estate of said Erwin E. Towne for such sum as may be found due upon such an accounting.

IT IS FURTHER ORDERED that pending a hearing upon this citation all further proceedings on the part of said executrix of the estate of said Erwin E. Towne in the administering of said estate, whether in the settlement of her final account as such executrix or in the procuring of a final decree of distribution, be stayed.

IT IS FURTHER ORDERED that this citation be served personally on Julia F. Towne, executrix of the estate of Erwin E. Towne, and also upon Ella M. Repulski, Marion D. Guptill, Mabel A. Carlson, Lettie L. Hanson and Allen E. Towne, by delivering to each of them a true and correct copy of this citation, such service to be made on or before the 7th day of August, 1931.

Dated August 3rd
1931.


Judge of Probate Court, Stearns
County, Minnesota.

STATE OF MINNESOTA.
COUNTY OF STEARNS.

SS.

IN PROBATE COURT.

IN THE MATTER OF THE ESTATE OF
ERWIN E. TOWN, DECEDENT.

FINAL ACCOUNT AND
PETITION FOR SETTLEMENT.

Your petitioner, Julia F. Town, respectfully represents and shows to the Court:

First- That your petitioner is the representative of the estate of the above named decedent.

Second- That as such representative she has fully administered the said estate, has paid and satisfied all claims against said estate allowed by the Court, and in all things complied with the orders of the Court in said matter and with the law relating thereto.

Third- That she herewith renders her final account of her administration, which is as follows, to-wit:-

RECEIPTS.#

Personal property described in inventory- - - - - \$53,531.64

Personal property omitted from inventory:

Claim against James F. Brown for - - - \$ 5.59

Claim against Ray Bennett- rent- - - \$55.00

Claim against Donald W. Kirk - - - \$57.80 \$ 118.39

Cash from rents of real estate- Schedule 1- page 10- - \$ 2,518.80 ✓

Cash from interest and profits- Schedule 2- page 12, - \$ 1,572.04 ✓

Cash from all other sources- - Schedule 3- page 12, - \$ 434.59

\$58,175.46

(Original)

8927

STATE OF MINNESOTA
COUNTY OF STEARNS
IN PROBATE COURT

IN THE MATTER OF THE ESTATE
OF ERWIN E. TOWN, DECEASED

service of the within
tion is hereby admitted
4th day of August,

Clara M. Repulski
Erwin E. Town
Erwin D. Luptill
Abel A. Carlson
Eric L. Hanson

CITATION

Filed this 21st day

of Aug. 1921

Jacob A. Zehn

J. D. SULLIVAN

HENRY H. SULLIVAN
ST. CLOUD, MINNESOTA

Attorney for Petitioners.

The Tuttle Law Print, Publishers, Rutland, Vt.

only 60 days

0000000000

DISBURSEMENTS

I. FAMILY.

		<u>VOUCHER-</u>	<u>Amount.</u>
Personal property selected by and turned over to surviving spouse - Furniture, etc. - -	\$450.00	1. }	\$ 950.00 ✓
Cash - - - - -	\$500.00	2. }	
Maintenance of family of decedent - - - - -		3. -	\$1600.00 ✓
Total to surviving spouse - - - - -			\$2550.00

II. EXPENSES OF ADMINISTRATION.

		<u>Voucher-</u>	<u>Amount</u>
Correction of inventory- Schedule 8, page 15, - - - - -			\$ 576.00
Cash paid appraisers for services- - - - -	No. 4-5-		\$ 20.00 ✓
Cash paid for publication of orders - - - - -	Nos. 8-8-8- 8½		\$ 28.80 ✓
Cash paid for repairs to real estate - - - - -	No. 9 -		\$ 889.38 ✓
Schedule 6, page 14,			
Cash paid for insurance- Schedule 4, page 13, - -	No. 10 -		\$ 90.15 ✓
Expenses of representative- Schedule 7, page 15, -	No. 11-12- 12a-12b- 12c-12d- 12e-		\$ 177.17 ✓
Compensation of representative- None claimed if allowance to widow is allowed -			nil
Fees of attorneys- J. B. Pattison- \$400.00	No. 13		
R. B. Brower- \$500.00	No. 13a		\$900.00 ✓
Cash paid for water bills for houses rented to tenants- Schedule 5, page 13 -	No. 14		\$ 79.95
Automobile license for years 1931-1932-	No. 16 16a		\$ 28.50 ✓
Copies of letters testamentary -	Nos. 15-16-16½		\$ 3.00 ✓
Cost of copy of final decree and recording same (estimated)			\$ 10.00

Total expenses of administration - - - - - \$ 2,802.95.

III. EXPENSES OF LAST SICKNESS.

	<u>Voucher-</u>	<u>Amount.</u>
Cash paid for medical attendance - - - - -	No. 20-	\$ 702.00. ✓
All other expenses of last sickness of decedent paid by Allen E. Town and included in his claim against the estate- See Allen E. Town claim		

Total expenses of last sickness - - - - - \$ 702.00.

IV. FUNERAL EXPENSES.

All funeral expenses were advanced and paid by Allen Town, who filed a claim against the estate for the same- See claim of Allen Town-

<u>V. TAXES.</u>	<u>Voucher.</u>	<u>Amount</u>
Personal property taxes for the year 1931-	No. 21	\$ 9.97 ✓
Personal property taxes for the year 1932-	No. 21-a	\$ 7.59 ✓
Real property taxes- First half 1930 taxes -	No. 22	\$196.63 ✓
Second half 1930 taxes-	No. 22-a	\$196.63 ✓
City assessments- Cl-Fl-& Ca-Cl- 5-6-73 Reicherts	No. 23	\$ 4.20 ✓
Total taxes paid - - - - -		<u>\$415.02</u>

VI. CLAIMS OF CREDITORS.

Claim of Allen E. Town - - - - -	No. 24	\$1,065.27 ✓
Claim of Marion Guptil - - - - -	No. 25	\$ 11.75 ✓
Claim of Tex Edelbach - - - - -	No. 26	\$ 1.00 ✓
Total amount of claims paid and settled - - - - -		<u>\$1,078.02</u>

VII. LEGACIES & BEQUESTS.

60 shares of the capital stock of the Monumental Sales & Mfg. Co. bequeathed to Ella M. Repulski- reduced to 48 shares by refusal of surviving spouse to take under decedent's will - - - - - No. 27 \$4,800.00

60 shares of the capital stock of the Monumental Sales & Mfg. Co. bequeathed to Allen E. Town- reduced to 48 shares by refusal of surviving spouse to take under decedent's will - - - - - No. 28 \$4,800.00

60 shares of the capital stock of the Monumental Sales & Mfg. Co. bequeathed to Marion D. Guptil- reduced to 48 shares by the refusal of the surviving spouse to take under decedent's will - - - - - No. 29 \$4,800.00

60 shares of the capital stock of the Monumental Sales & Mfg. Co. bequeathed to Mabel A. Town- reduced to 28 shares by the refusal of the surviving spouse to take under decedent's will - - - - - No. 30 \$4,800.00

60 shares of the capital stock of Monumental Sales & Mfg. Co. bequeathed to Lettie L. Hanson- reduced to 48 shares by refusal of the surviving spouse to take under decedent's will - - - - - No. 31 \$4,800.00

Total legacies and bequests paid - - - - - \$24,000.00.

RECAPITULATION.

TOTAL RECEIPTS FROM ALL SOURCES - - \$58,175.46

DISBURSEMENTS:

1. Personal property selected by surviving spouse - - -	\$ 950.00
2. Maintenance of family	\$ 1,600.00
3. Expenses of administration	\$ 2,812.95
4. Expenses of last sickness	\$ 702.00
5. Funeral Expenses (See Allen Town claim)	\$ nil
6. Taxes	\$ 415.02
7. Claims of Creditors	\$ 1,078.02
8. Legacies	<u>\$ 24,000.00</u>
Total credits	\$ 31,547.99
Residue of personal property remaining for distribution	<u>\$ 26,627.47</u>
Totals- - -	<u>-\$58,175.46 \$ 58,175.46.</u>

Fourth: That there is no homestead of decedent- but there is
under the provisions of decedent's will
belonging to said estate for distribution the following described
real estate in the County of Stearns and State of Minnesota,
to-wit:

- ✓ (a) Lot Five (5), in Block Three (3), in Reichert's Addition to St. Cloud, according to the plat and survey thereof on file and of record in the office of the Register of Deeds in and for said Stearns County;
- ✓ (b) Lot Six (6), in Block Three (3), in Reichert's Addition to St. Cloud, according to the plat and survey thereof on file and of record in the office of the Register of Deeds in and for said Stearns County;
- ✓ (c) Lots Fifteen (15), and Sixteen (16), in Block Fourteen (14) in Normal Park Addition to St. Cloud, according to the plat and survey thereof on file and of record in the office of the register of deeds in and for said Stearns County;
- ✓ (d) Lot Five (5), in Block Twenty (20), in the Town of St. Cloud City (now a part of the City of St. Cloud), according to the plat and survey thereof made by T. A. Curtis on file and of record in the office of the register of deeds in and for said Stearns County;
- ✓ (e)- Lot Six (6), in Block Three (3), in McClure and Whitney's Addition to the City of St. Cloud, according to the plat and survey thereof on file and of record in the office of the register of deeds in and for said Stearns County;
- ✓ (f) Lot Eight (8), in Block Three (3), in McClure and Whitney's Addition to the City of St. Cloud, according to the plat and survey thereof on file and of record in the office of the register of deeds in and for said Stearns County;

*Pleasant Lake cottage
see annex to inventory*

RESIDUE OF PERSONAL PROPERTY.

The residue of the personal property of said estate remaining for distribution consists of the following:

- ✓ (1) 120 shares of the capital stock of the Monumental Sales & Mfg. Co. to be assigned to Julia F. Town, surviving spouse of the decedent - of the appraised value of - - - - - \$12,000.00
- ✓ (2) Note for \$2880.00 of Monumental Sales and Manufacturing Company, dated December 1, 1928, due on demand, payable to order of E. E. Town, bearing interest at 6% per annum, interest paid to June 2, 1931, of the appraised value - - - - - 2,592.00 ✓
- ✓ (3) Note for \$2880.00 of the Monumental Sales and Manufacturing Co. dated Dec. 2, 1929, due on demand, payable to order of E. E. Town, bearing interest at the rate of 6% per annum, interest paid to June 1, 1931, of the appraised value of - 2,592.00 ✓
- ✓ (4) - Note of George Guy and Marie Guy, dated August 10, 1928, due on year after date, bearing interest at 7% per annum, payable to order of E. E. Town, balance due May 26, 1930, \$1,529.00 appraised value - - - - - Nil
- ✓ (5) A-BROWN MORTGAGE - Note for \$1950.00 dated Sept. 8th, 1930, made by James F. Brown and Mary E. Brown, payable to the order of E. E. Town, secured by a mortgage, dated Sept. 8, 1930, made by James F. Brown and Mary E. Brown, mortgagors to E. E. Town, mortgagee, filed for record in the office of the register of deeds of Stearns County, Minn. on Sept. 10, 1930, at 3 P. M. and recorded in Book 111 of Mortgages on page 15, covering Lots 15, 16, 17, 18, 19, and 20, in Block 8, in Cottage Place Addition to St. Cloud, of the appraised value - - - - - 1,950.00
- ✓ (B) - Taxes for the year 1930 upon the above described mortgaged premises, paid by representative on Feb. 11, 1932, to Treasurer of Stearns County, Minn. to be added to the amount of the above mortgage - - Amount paid - - - - - 44.91
- ✓ (C) - Note for \$288.15, dated October 7, 1931, made by James F. Brown and Margaret Brown, payable to the order of Julia F. Town, executrix of the Last Will and Testament of Erwin E. Town, decedent, due in installments of \$10.00 per month, commencing November 7, 1931, bearing interest at rate of 6% per annum, - secured by a mortgage, dated October 7, 1931, made by James F. Brown and Margaret Brown mortgagors, to Julia F. Town, executrix of the Last Will and testament of Erwin E. Town, deceased, filed in the office of the register of deeds of Stearns County, Minnesota, on October 7th, 1931, at two o'clock P. M. and recorded in Book 115 of Mortgages on page 95- covering the following property situate in said Stearns County, to-wit: Lots 15, 16, 17, 18, 19 and 20, in Block 8, in Cottage Place Addition to St. Cloud (which mortgage was taken by said representative to secure money advanced by the estate to pay a mechanic's lien held by Mathew Hall upon said mortgaged property, which lien was paramount to the mortgage held by this estate described at (A) above - - - - - 288.15

CARRIED FORWARD - - - - - \$19,467.06

✓ (5 - D) Note for \$99.00 dated December 1, 1931, made by James F. Brown and Margaret Brown, his wife, to Julia F. Town, executrix of the last will and testament of Erwin E. Town, decedent, due on demand, bearing interest at rate of 8% - secured by a mortgage, dated December 1, 1931, made by James F. Brown and Margaret Brown, his wife, mortgagors, to Julia F. Town, executrix of the last will and testament of Erwin E. Town, decedent, filed for record in the office of the register of deeds of Stearns County, Minnesota, on December 1, 1931, at 5 o'clock P. M. and recorded in Book 115 of Mortgages on page 153, covering the following described property, situate in said Stearns County, to-wit: Lots 15, 16, 17, 18, 19, and 20, in Block 8, in Cottage Place Addition to St. Cloud - (Which mortgage was taken to secure money advanced by this estate to pay a mechanic's lien held by Axell Electric Shop upon said mortgaged property which lien was paramount to the mortgage held by the estate described at (A) above - - - - - 99.00

✓ (6) JESOK MORTGAGE, Note for \$1,400.00, dated April 8, 1928, made by Walter Jesok and Mary Jesok, payable to the order of E. E. Town, due on or before April 8, 1938, bearing interest at 4% per annum, payable annually - interest indorsed paid to April 9, 1930, - Secured by a mortgage, dated April 9, 1928, made by Walter Jesok and Mary Jesok, mortgagors to E. E. Town, mortgagee, filed for record in the office of the register of deeds of Benton County, Minnesota, on April 10, 1928, at two P. M. and recorded in Book 45 of Mortgages on page 384 - covering the following lands in Benton County, Minnesota, viz: $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 25, Twp. 38, Rge. 31, excepting therefrom a tract described as follows: Beginning at a point on the north line of said tract 20 rods east of the northwest corner thereof, thence South 15 rods, thence east 20 rods, thence north 15 rods to the north line of said tract, thence west 20 rods along said north line to the point of beginning - of the appraised value - 1,437.34

✓ (7) LAGERGREN MORTGAGE - Note for \$3,400.00 dated June 16, 1924, made by Hildur W. Lagergren, and Aml A. Lagergren, to E. E. Town, due June 16, 1929, bearing interest at 7% per annum (Int. paid to ~~June~~ ^{see} June 16th, 1931) secured by a mortgage, dated June 16, 1924, made by Hildur W. Lagergren and Aml A. Lagergren, mortgagors, to E. E. Town, mortgagee, filed for record in the office of the register of deeds of Stearns County, Minnesota, on June 16th, 1924, at 1:30 P. M. and recorded in Book 100 of Mortgages on page 211, covering the following lands in Stearns County, Minnesota, viz: Lot 14 in Benson's Re-Sub-Division of Block 5, of Metrolin's Addition to St. Cloud, of the appraised value of (less interest paid) - - 3,400.00

✓ (8) RECEIVERS CERTIFICATE of proof of claim No. 1274 issued by the receiver of The First National Bank of St. Cloud, dated Sept. 9, 1925, to E. E. Town for deposit of \$451.08 - Dividends paid and indorsed:

April 13, 1926	\$45.11
Aug. 31, 1928	45.11
July 18, 1931	27.08

of the appraised value (less dividend of \$27.08 paid to Executrix - - - - - 18.05.

Brought forward - - - - - \$24,421.45.

- ✓ (9)- Claim against Ray Bennett for rent - - - - - \$ 55.00
- ✓ (10)- Note of Donald Kirk and Manila Kirk for \$142.80,
dated Feb-21, 1928, payable to order of E. E.
Town, bearing interest at 6% per annum, on which
the sum of \$85.00 has been paid- secured by a
chattel mortgage, dated Feb-21-1928, filed in
the office of the register of deeds of Stearns
County, Minn., on Feb-21-1928- at 11:15 A. M.,
as Instrument No. 30,944, made by Donald Kirk
and Manila Kirk, his wife, to E. E. Town-
(included in items omitted from inventory)-----\$ 57.80
- ✓ (11)- One row boat - - - - - \$ 25.00
- ✓ (12)- One Plymouth automobile - - - - - \$ 132.00
- ✓ (13)- Cash - - - - - \$ 1,936.22 ~

TOTAL AMOUNT OF PERSONAL PROPERTY REMAINING IN
THE HANDS OF THE REPRESENTATIVE FOR DISTRIBUTION \$ 26,627.47.

FIFTH- That said decedent died on the 8th day of December, 1930, testate, and left him surviving, Julia F. Town, his widow, and Ella M. Repulski, Allen E. Town, Marion D. Guptil, Mabel A. Carlson, and Lettie L. Hansen, his children, who are the sole devisees and legatees of said decedent, and the persons entitled to the residue of said estate.

WHEREFORE, Your petitioner prays the order of this Court fixing a time and place for the hearing of this petition and examination of his final account, and the settlement and allowance of the same, and that, upon said hearing the Court issue its final decree, assigning the residue of said estate to the persons thereunto entitled.

Dated ~~May 3rd~~ May 3rd, 1932.

Julia F. Town
Petitioner.

STATE OF MINNESOTA }
COUNTY OF STEARNS } ss.

Julia F. Town, being duly sworn, says that she is the person who made the foregoing petition; that she knows the contents thereof, and that the same is true of her own knowledge, except as to those matters therein stated on her information and belief, and as to those matters she believes it to be true.

Julia F. Town.

Subscribed and sworn to before me this

3rd day of May, 1932.

A. A. Lippseyer
A. A. LIPPSSEYER,
Notary Public, Stearns County, Minnesota

My commission expires Feb. 12, 1937.

---R E C E I P T S--- Schedule No. 1

Cash from rent of Real Estate:

<u>1930:</u>		
December 18th,	Rent 823 16th Avenue S.	\$17.00
December 22nd	1300 11th Avenue S.	20.00
December 23rd,	721 17th Avenue S.	28.00
December 23rd	717 17th Avenue S.	25.00
<u>1931:</u>		
January 5,	829 16th Avenue S.	30.00
January 6,	825 2d Avenue South	30.00
January 17th,	823 16th Avenue S.	16.00
January 22,	1300 11th Avenue S.	20.00
February 2,	717 17th Avenue S.	25.00
February 2,	721 17th Avenue S.	28.00
February 3,	823 16th Avenue S.	16.00
February 3,	829 16th Avenue S.	30.00
February 9,	825 2d Avenue S.	30.00
February 27,	1300 11th Avenue S.	20.00
March 2,	717 17th Avenue S.	25.00
March 3,	721 17th Avenue S.	28.00
March 3,	823 16th Avenue S.	16.00
March 3,	825 2d Avenue S.	30.00
March 6th	829 16th Avenue S.	30.00
March 16,	717 17th Avenue S.	25.00
March 19,	823 16th Avenue S.	10.00
March 24,	1300 11th Avenue S.	20.00
March 31,	721 17th Avenue S.	28.00
April 2d	829 16th Avenue S.	30.00
April 6,	825 2d Avenue S.	30.00
April 15th,	717 17th Avenue S.	25.00
April 28,	721 17th Avenue S.	28.00
May 4,	825 2d Avenue S.	35.00
May 4,	823 16th Avenue S.	40.00
May 4,	829 16th Avenue S.	30.00
May 7,	1300 11th Avenue S.	20.00
May 12th,	717 17th Avenue S.	25.00
May 25,	823 16th Avenue S.	6.50
May 27th,	721 17th Avenue S.	28.00
June 1,	829 16th Avenue S.	30.00
June 2,	823 16th Avenue S.	24.74
June 3,	823 16th Avenue S.	32.50
June 8,	825 2d Avenue S.	35.00
June 8,	1300 11th Avenue South	20.00
June 22,	717 17th Avenue S.	10.00
June 25,	721 17th Avenue S.	28.00
July 2d	823 16th Avenue S.	15.00
July 3rd,	829 16th Avenue S.	30.00
July 6th	825 2nd Avenue S.	35.00
July 9,	823 16th Avenue S.	32.50
July 11,	1300 11th Avenue S.	20.00
July 17,	823 16th Avenue S.	11.56

Carried Forward - - - - - \$1,168.80

Carried Forward - - - - - \$1,168.80

Aug. 3rd	Rent	717 17th Avenue S.	25.00
Aug. 3rd	"	721 17th Avenue S.	28.00
Aug. 5th	"	829 16th Avenue S.	30.00
Aug. 6th,	"	825 16th Avenue S.	35.00
Aug. 6th,	"	823 16th Avenue S.	32.50
Aug. 10,	"	1300 11th Avenue S.	20.00
Aug. 31,	"	717 17th Avenue S.	25.00
Sept. 2	"	721 17th Avenue S.	28.00
Sept. 2	"	829 16th Avenue S.	30.00
Sept. 8,	"	825 2nd Avenue S.	35.00
Sept. 9	"	1300 11th Avenue S.	20.00
Sept. 11	"	823 16th Avenue S.	32.50
Sept. 29,	"	721 17th Avenue S.	28.00
Oct. 2	"	829 16th Avenue S.	30.00
Oct. 4,	"	825 2nd Avenue S.	35.00
Oct. 12	"	1300 11th Avenue S.	20.00
Oct. 14,	"	721 17th Avenue S.	28.00
Oct. 14	"	823 16th Avenue S.	32.50
Nov. 2,	"	829 16th Avenue S.	30.00
Nov. 3,	"	825 2nd Avenue S.	35.00
Nov. 13,	"	823 16th Avenue S.	32.50
Nov. 16,	"	1300 11th Avenue S.	20.00
Nov. 18	"	721 17th Avenue S.	28.00
Dec. 1,	"	829 16th Avenue S.	30.00
Dec. 6,	"	825 2nd Avenue S.	30.00
Dec. 10,	"	1300 11th Avenue S.	20.00
Dec. 10,	"	823 16th Avenue S.	32.50
Dec. 18,	"	717 17th Avenue S.	5.00
Jan. 4th,	"	829 16th Avenue S.	30.00
Jan. 4th,	"	825 2nd Avenue S.	30.00
Jan. 5th,	"	721 17th Avenue S.	28.00
Jan. 5,	"	717 17th Avenue S.	15.00
Jan. 7th,	"	823 16th Avenue S.	28.00
Jan. 12,	"	721 17th Avenue S.	25.00
Jan. 18,	"	1300 11th Avenue S.	20.00
Jan. 25,	"	721 17th Avenue S.	3.00
Jan. 25,	"	717 17th Avenue S.	20.00
Feb. 3,	"	829 16th Avenue S.	30.00
Feb. 4,	"	1300 11th Avenue S.	20.00
Feb. 4,	"	825 2nd Avenue S.	30.00
Feb. 9,	"	823 16th Avenue S.	28.00
Mar. 2	"	829 16th Avenue S.	30.00
March 3,	"	825 2nd Avenue S.	30.00
March 7,	"	823 16th Avenue S.	28.00
March 10,	"	1300 11th Avenue S.	20.00
March 14,	"	717 17th Avenue S.	20.00
March 16,	"	721 17th Avenue S.	14.00
March 31,	"	825 2nd Avenue S.	35.00
April 2d,	"	829 16th Avenue S.	30.00
April 4th,	"	717 17th Avenue S.	15.00
April 6th,	"	823 16th Avenue S.	10.00
April 11,	"	1300 11th Avenue S.	20.00
April 11,	"	717 17th Avenue S.	5.00
April 8,	"	721 17th Avenue S.	13.50
April 22,	"	721 17th Avenue S.	1.00

TOTAL RECEIPTS FROM RENT OF REAL ESTATE - - - - - \$4518.80.

RECEIPTS-- Schedule No. 2
Cash from Interest and Profits

June 3rd, 1931, interest on Monumental Company Note	\$155.52
July 7, 1931, interest on A. A. Lagergren - Interest on mortgage	119.00
Interest on savings Account	15.00
December 2, Interest on Monumental notes to December 1st, and 5% payment on principal notes	414.72
December 21, Interest on mortgage of Ray Schepers	119.00
January 4th, Monumental Sales Dividend	720.00
5% on difference between original and unpaid balance of notes	28.80
	<hr/>
Total - - - - -	\$1,578.04.
	<hr/>

RECEIPTS-- Schedule No. 3
Cash from all other sources.

January 22, 1931 1300 11th Avenue S.	\$.50
Water bill penalty of November 25	
February 9, refund of water bill of Feb. 2	2.78
February 9, refund of water bill	6.64
April 2d refund on water bill	1.48
April 12th, refund on water bill	2.36
May 7th, refund of water bill	1.00
June 2d, refund on water bill	1.82
June 8, refund on water bill	2.46
June 10, refund on car license	.17
July 2d, delinquent water bill	.99
July 2d, refund on water bill	1.70
July 3d, refund on water bill	1.34
July 9, refund on water bill	1.02
July 11th, refund on water bill	1.10
June 10, premium Dep. Farm Mutual Ins. Co	8.31
July 15, refund on water bill	3.64
Oct. 8, 1931, Received from Fire Ins. Co 823 16th Ave. S.	353.90
Aug. 6, refund on water bill	1.72
Oct. 12, refund on water bill of Oct. 14	8.02
Oct. 14, refund on tax check	.01
Oct. 16, refund on water bill of Oct. 14	5.84
Nov. 3, refund on check of Nov. 3	1.00
Nov. 16, refund on water bill of Oct. 14	1.52
Dec. 1, refund on water bill of Nov. 3	1.64
Dec. 1, refund on water bill of Nov. 14	1.68
Jan. 4, refund on water bill of Jan. 6,	1.52
Jan. 18, refund on water bill of Jan. 6,	1.00
Jan. 19, refund on water bill of Jan. 6,	3.98
Feb. 11, refund on James Brown Tax Ck.	.01
March 1, refund on water bill of Oct. 14	7.58
March 1, refund on water bill of Nov. 3	2.02
March 2, water bill Feb. 3rd,	2.06
April 2, refund on water bill of April	1.56
April 11, refund on water bill of April 4,	
Total cash from all other sources	434.59

DISBURSEMENTS- - Schedule No. 4
Cash paid for insurance.

May 12th, 1931, P. H. Collignon for insurance for	
829 16th Avenue South,	\$10.00 ✓
May 12, 1931, Kinsella Insurance Agency	59.50 ✓
July 2, 1931, Niskern Insurance Agency	20.65 ✓

Total cash paid for insurance - - - - - \$90.15

DISBURSEMENTS- - Schedule No. 4-A
TAXES-

Personal property tax for 1930	9.87
Personal property tax for 1931	7.59
Real Property tax FIRST HALF- for 1930	196.63
SECOND HALF- for 1930	196.63
	<u>\$410.82</u>

DISBURSEMENTS-- Schedule No. 4-B
LIENS- Taxes pd. to protect Mortgage.

Liens and taxes paid on Brown property Oct. 7, 1931,	288.15
paid to Mathew Hall for lien on Brown property	
Feb. 1, 1931 paid to Axell Electric Shop for lien	
on Brown property	99.00
February 11, 1932, for 1930 taxes paid on J. Brown	
property to protect mortgage	44.81
	<u>\$432.06</u>

DISBURSEMENTS- Schedule No. 5.
Cash paid for water bills.

February 2d, 1931, water bills	9.42
April 12, water bill at 829 16th Avenue South	1.48
April 12th water bill at 1300 11th Avenue South	1.00
April 12th water department	4.19
May 12th water bill for 825 2d Avenue S.	2.46
July 2, St. Cloud Water Department	8.77
July 2d, paid water bill 823 16th Avenue S.	1.02
Aug. 14, St. Cloud Water Dept.	1.72
Oct. 14 St. Cloud Water Dept.	24.64
Nov. 3, St. Cloud Water Dept.	3.66
Jan. 6, St. Cloud Water Dept.	9.50
Feb. 3, for 825 2nd Avenue S.	2.22
Feb. 11, for 717 17th Avenue S.	1.10
April 4, St. Cloud Water Dept.	7.14
April 22, for 823 16th Avenue S.	4.64

Total cash paid for water bills - - - - - \$79.95

DISBURSEMENTS - Schedule No. 6
Repairs to Real Estate.

December 23rd, 1930 for repairs at 721 17th Avenue S.	\$1.00	✓
March 21, fixtures at 721 17th Avenue S.	3.00	✓
April 9, 1931 Tex Edelbach for plumbing	.75	✓
April 12th, Powell Hardware Company	5.10	✓
May 4, 1931 for varnish at 829 16th Avenue S.	4.85	✓
May 11, 1931, cash paid for adv. house for rent	.30	✓
May 12, Neils Simonson	5.15	✓
May 14, Leonard Lotz	10.00	✓
May 18, Leonard Lotz	65.00	✓
May 30, 1931, cash for door stops at F. W. Grand	1.45	✓
June 4, cash paid for F. Laudenbach for hauling rubbish	.50	✓
June 5, 1931, cash paid Hartel and Koerber for screen for 823 16th Avenue South	.75	✓
June 10, 1931, James Brown	9.75	✓
June 10, J. A. Neil	6.03	✓
June 10, Frank Fandel Co. for shades	9.13	✓
June 10, Powell Hardware Co. misc.	20.80	✓
June 10, Dannewold and Sartell windows	8.45	✓
June 10, Tex Edelbach	1.75	✓
June 10, William Hart for papering	20.00	✓
June 12, 1931, cash paid Maixner Drug for disinfectant	4.50	✓
June 24, Leonard Lotz for labor	57.00	✓
July 2d, J. A. Neil	4.01	✓
July 2d, Frank Fandel Co. shades	7.00	✓
July 14, Paid Times for advertising	3.42	✓
Aug. 1, Times Adv. 717 17th Avenue S.	.68	✓
Sept. 2, Herman Huls - Labor 829 16th Avenue S.	1.70	✓
Sept. 8, Kenneth Edelbach - Labor and material 717 17th Ave. S.	20.67	✓
Oct. 1st, Herman Huls Labor 825 2d Avenue S.	6.05	✓
Oct. 14, Kenneth Edelbach - Labor 721 17th Ave. S.	.85	✓
Oct. 21 Floyd Pettit - Labor 1300 11th Ave. S.	1.30	✓
Oct. 30, Times Adv. 721- 717 17th Ave. S.	3.22	✓
Oct. 30, W. M. Wenck Furnace Parts Labor 829 16th Ave. S. and 1300 11th Avenue South	60.17	✓
Nov. 3, P. C. Bettendorf Serving papers on W. Collins living at 717 17th Avenue S.	4.50	✗
Nov. 3, Hartel and Koerber- labor 721 17th Avenue S.	5.00	✓
Nov. 3, Scheper Hdwe. supplies 717 17th Ave. S.	4.10	✓
Nov. 6, Simonson Lumber Co. Fire job	365.60	✓
Dec. 8, K. Edelbach, - Labor 717 17th Avenue S.	3.30	✓
Dec. 11, Simonson Lumber Co. 825 2d Avenue S.	3.10	✓
Dec. 11, Simonson Lumber Company 717-721 17th Ave. S.	63.24	✗
Dec. 11, W. M. Wenck- Labor-parts for furnace at 721 17th Avenue South	8.40	✓
Dec. 21, Mrs. Saatzler cleaning 717 17th Avenue S.	1.00	✓
Dec. 31, Times Adv. 717 17th Avenue S.	3.18	✓
March 1, refund on rent to Russell Roe 4 days	3.73	✓
March 1, Stair treads - 721 17th Avenue S.	1.50	✓
March 21, K. Edelbach labor and material	11.80	✓
April 2, refund to A. J. Stadtherr for sponge and sizing	.50	✓
April 4, Times Adv. 823 16th Avenue S.	.84	✓
April 4, F. A. Windhurst Labor 829 16th Ave. S.	13.90	✓
April 19, Times Adv. 823 16th Avenue S.	1.25	✓
April 22, Geo. Schwintek - labor at 823 16th Avenue S.	3.00	✓
April 19, Bernard Vanselow labor and material 823 16 Ave. S.	5.00	✓
April 28, Fandels- Shades 1300 11th Avenue S.	3.54	✓
April 28, Matthew Hall- materials and labor	7.96	✓
April 28, Jona Bielejesk - material and labor	12.00	✓
April 28, Kenneth Edelbach- material and labor 823 16 Av. S.	20.00	✓
Total repairs to real estate	889.38	

DISBURSEMENTS.

SCHEDULE 7 - EXPENSES OF REPRESENTATIVE.

To cash paid for premium on executor's bond - - - - -	\$100.00 ✓
To cash paid Zapp State Bank for safety deposit box - - - -	2.00 ✓
To cash paid for renewal premium on executor's bond - - - -	66.67 ✓
To cash paid Zapp State Bank for safety deposit box - - - - -	2.00 ✓
To cash paid for copy of inventory Mollie Brown Estate - - -	1.25 ✓
To cash paid Justice Bettendorf in unlawful detainer action against Collins, a tenant, - - - - -	4.50 ✓
To cash paid for recording satisfaction of Mathew Hall lien upon James F. Brown property @ - - - - -	.75 ✓

Total Expenses of representative - - - - - \$177.17

SCHEDULE 8 - CORRECTION OF INVENTORY.

MONUMENTAL SALES & MFG. CO. NOTES. The inventory- Class V, Items 4 and 5 list two notes of the Monumental Sales & Mfg. Co. for \$2880.00 each with indorsements of interest to June 1, 1930. The inventory Class V, Item 3, lists check of Monumental Sales & Mfg. Co. for \$748.00. It is found that this check was made to decedent in payment of 10% of the principal of the two notes- Items 4 and 5,- \$576.00, and also to cover interest on same notes to December 1, 1930, \$172.00. These notes were appraised at their full face value and should be reduced as to these items by the amount of such payment on principal, i. e. \$576.00. - - - - - \$576.00

LIST OF EXHIBITS LEFT WITH PROBATE COURT WITH PETITIONS FOR FILING CLAIM ON BEHALF OF PERRY, as ADMINISTRATOR OF MOLLIE N. TOWN ESTATE AND WITH PETITION OF TOWN CHILDREN FOR LEAVE TO FILE CLAIM FOR \$1,000 RECEIVED BY ERWIN E. TOWN AS GUARDIAN.

- ✓ 1. Petition for Letters of Administration of Mollie N. Town Estate, by Erwin E. Town.
- ✓ 2. Order for hearing on petition of Erwin E. Town for appointment as administrator of Mollie N. Town Estate.
- ✓ 3. Citation issued on petition for appointment of Erwin E. Town as administrator.
- ✓ 4. Proof of service of citation.
- ✓ 5. Order appointing Erwin E. Town administrator of Mollie N. Town Estate.
- ✓ 6. Erwin E. Town bond as administrator.
- ✓ 7. Letters of Administration issued to Erwin E. Town as administrator of Mollie N. Town Estate.
8. Order for publication of notice to creditors.
9. Order appointing appraisers.
10. Warrant to appraisers.
11. Inventory and appraisement of Mollie N. Town Estate.
- ✓ 12. Petition of Erwin E. Town, administrator, for license to sell real estate.
- ✓ 13. Order of license to sell real estate.
14. Order of court in reference to sale of real estate.
15. Affidavit of publication on notice to sell real estate.
- ✓ 16. Additional sale bond.
- ✓ 17. Report of sale of real estate of Mollie N. Town Estate by Erwin E. Town, administrator.
18. Notice of hearing on report of sale.
19. Affidavit of publication of notice to creditors.
20. Order for hearing on report of sale.
21. Decree of court showing that legal notice had been given of sale.

22. Certificate of Dickey County Court as to certified copies.
- ✓ 23. Petition by Erwin E. Town for his appointment as guardian of children.
- ✓ 24. Order appointing Erwin E. Town guardian of children.
- ✓ 25. Guardian's bond.
- ✓ 26. Letters of Guardianship.
27. Certificate of Dickey County Court as to guardianship papers.
- ✓ 28. Certified copy of order confirming sale of land, from register of deeds' office, Dickey County.
- ✓ 29. Certified copy of deed of Mollie N. Town Estate real estate given by Erwin E. Town as administrator of said estate.
- ✓ 30. Certified copy of Letters of Administration issued to H. H. Perry in the Mollie N. Town estate.
31. Photostatic copy of policy of insurance, draft, and receipt in the guardianship matter. (Royal Neighbors of America)
32. Photostatic copy of policy of insurance in Manhattan Life Insurance Company.
33. Photostatic copy of draft and receipt in connection with the Manhattan Life Insurance policy.

*all the checked off copies are offered
by claimant records*

STATE OF MINNESOTA }
COUNTY OF STEARNS }

SS.

IN PROBATE COURT

In the Matter of the Estate of }
Erwin E. Town, Deceased }

ORDER OF COURT.

A hearing on the Final Account of Julia F. Town, the representative of the Estate of said deceased, having been ordered by this Court on the 14th day of August, 1931, and on August 3rd, 1931, one H. H. Perry, Administrator of the Estate of Molly N. Town, deceased, of Dickey County, North Dakota, filed a Petition for an accounting of the sum of eight thousand (\$8000.00) Dollars, proceeds of the sale of real estate belonging to the estate of Molly N. Town, deceased, and for the sum of one thousand (\$1000.00) Dollars, the proceeds of certain life insurance, on the life of said Molly N. Town, and for a stay of all proceedings in the Estate of Erwin E. Town, deceased. Upon which Petition a citation was issued setting a hearing on said Petition for August 21st, 1931.

That on said August 21st, 1931, after a hearing on said Petition, the stay was granted by the Court upon any further proceedings in the matter of the Estate of Erwin E. Town, deceased.

That on the 27th day of August, 1931, certified copies of the proceedings in the matter of the Estate of Molly N. Town, deceased, were filed in this court, together with photostatic copies of the Insurance Policy in the sum of one thousand (\$1000.00) Dollars and draft showing payment of the same, together with a Petition asking for an extension of time to file the claim of H. H. Perry, as Administrator of the Estate of Molly N. Town, deceased, of Dickey County, North Dakota, for the sum of eight thousand (\$8000.00) Dollars, and a Petition to file the claim of the heirs at law of said Molly N. Town for the sum of one thousand (\$1000.00) Dollars, the proceeds of said Life Insurance Policy, above referred to.

The hearing on said Petition was fixed for September 14th, 1931, and pursuant to Citation issued, J. D. Sullivan, Esq., appeared in support of said Petition and filed objections thereto, and J. B. Pattison, Esq., and R. B. Brower, Esq., appeared in opposition thereto, and said hearing was continued to October 5th, 1931.

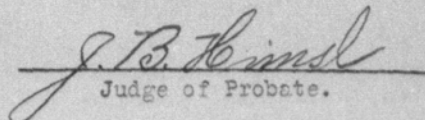
On October 5th, 1931, an Order was made allowing said claims to be filed on or before November 13th, 1931, and which said claim of H. H. Perry, for the sum of eight thousand (\$8000.) Dollars, and said claim of One thousand (\$1000.00) Dollars by the heirs at law of Molly N. Town, deceased, were filed October 13th, 1931; and the hearing on the merits of the claim having been continued from time to time to December 16th, 1931, at which time Julia F. Town appeared in person and by her attorneys, J. B. Pattison, Esq., and R. B. Brower, Esq., and filed objections to the claim of H. H. Perry, as Administrator of the Estate of Molly N. Town, deceased, of Dickey County, North Dakota, and objections to the claim of Allen E. Town, Ella M. Repulski, Marion D. Guptil, Mabel A. Carlson and Lettie L. Hanson, children and heirs at law of said Ervin E. Town and Molly N. Town, deceased,

And after hearing the testimony for and against the allowance of said claims, and from the files and records, and all proceedings had on said claims, the Court is of the opinion that said claims should be disallowed.

IT IS THEREFORE ORDERED, That the claim of H. H. Perry, as Administrator of the Estate of Molly N. Town, deceased, in the County Court of Dickey County, North Dakota, for the sum of eight thousand (\$8000.00) Dollars, and the claim of Allen E. Town, Ella M. Repulski, Marion D. Guptil, Mabel A. Carlson and Lettie L. Hanson, children and heirs at law of said Ervin E. Town and Molly N. Town, deceased, for the sum of one thousand (\$1000.00) Dollars, be, and the same are hereby disallowed.

Dated at St. Cloud, Minnesota, this 1st day of March, 1932.

By the Court:


Judge of Probate.

No. 8927

State of Minnesota
STEARNS COUNTY
PROBATE COURT

ESTATE OF

Erwin E. Town

Deceased.

ORDER OF COURT.

Filed this 1st day of
March, 1932, and recorded
in Book..."61..."on page.622.
thereof.

Garb A. Lake
Clerk of Probate.

Copies Mailed 3/2/32 to
J. B. Pattison
H. B. Brower & J. D. Sullivan

00010191

STATE OF NORTH DAKOTA,

IN COUNTY COURT,

County of Dickey

Before Hon. Geo. H. Fay

Judge.

In the Matter of the Estate of Mollie N. Town

Deceased.

Erwin E. Town

vs.

Petitioner

Ella M. Town, Allen E. Town, Marion D. Town, Mabel A. Town, Lettie L. Town,

Administration.

Respondents

To the Hon. Geo. H. Fay

Judge of the County Court within and for the

County of Dickey, in the State of North Dakota:

The petition of Erwin E. Town

of the Township of Spring Valley, in the County of Dickey

in the State of North Dakota, respectfully represents:

That Mollie N. Town

died on or about the 16th

day of March A. D. 1908 at her home in the Township

of Spring Valley, in the County of Dickey, in the State

of North Dakota,

That said deceased at the time of her death was a resident of the Township of Spring Valley in the County of Dickey in the State of North Dakota

That said Mollie N. Town at the time of her death was possessed of

~~xxx~~ Real ~~xxxxxx~~ Estate within the County of Dickey in the State of North Dakota.

That the character, value and condition of said estate is as follows, to-wit:

East One-half (E $\frac{1}{2}$) of Section Eleven (11) In Townsh ip 129 of Range 65.

That the total value of all said estate does not exceed the sum of \$ 5000.00

That the annual rents, profits and issues of the real estate are of the probable value of

One Hundred Thirty

Dollars.

That the value of the personal property does not exceed the sum of

nil

Dollars.

That search and inquiry has been made to ascertain if said deceased left a will and testament, that none has been found, and to the best knowledge, information and belief of your petitioner, said deceased died intestate.

That the next of kin of said deceased, and the heirs at law under the law of succession, and whom your petitioner is advised and believe and therefore allege to be the heirs at law of said deceased are:

(Give name and relationship to deceased, age and residence of each.)

STATE OF NORTH DAKOTA, }
 County of Dickey } ss
 IN COUNTY COURT,
 Before Hon. Geo. H. Fay Judge.
 In the Matter of the Estate of Mollie N. Town, Deceased.
 Erwin E. Town vs. Petitioner.
 Ella M. Town, Allen E. Town, Marion D. Town, Mabel A. Town and Lettie L. Town Respondent. s
 Order Hearing Petition for Letters of Administration

WHEREAS, The petition of Erwin E. Town, has lately been filed in this Court, representing, among other things, that Mollie N. Town late of the Township of Spring Valley in the County of Dickey in the State of North Dakota, died on the 16th day of March A. D. 1905, intestate, possessed of certain estate within the County of Dickey, State of North Dakota, and petitioning this Court that Letters of Administration of the estate of said Mollie N. Town deceased, be granted to Erwin E. Town of the Township of Spring Valley, Dickey Co. N.D.

IT IS THEREFORE ORDERED, That the said petition be heard by the Judge of the County Court of the said County of Dickey at the court rooms of said Court, in the County Court House in the City of Ellendale in said County, on the 20th day of April A. D. 1905 at 10 o'clock in the fore noon of said day.

IT IS FURTHER ORDERED, That notice of the time and place of hearing said petition be given to the heirs at law and next of kin, and all persons interested in the estate of said deceased, by citation as required by law.

IN TESTIMONY WHEREOF, We have caused the seal of the County Court of said County to be hereunto affixed.

WITNESS, The Hon. Geo. H. Fay, Judge of said County Court, at the City of Ellendale in said County, this 23rd day of March A. D. 1905

(SEAL)

Geo. H. Fay
 Judge of the County Court.

No. 393

IN COUNTY COURT,

County of **Dickey**

STATE OF NORTH DAKOTA.

In the Matter of the Estate of

Mollie N. Town

Deceased.

**ORDER HEARING PETITION
FOR LETTERS OF AD-
MINISTRATION**

STATE OF NORTH DAKOTA,

County of **Dickey**

IN COUNTY COURT.

I hereby certify that the within Order was
filed in the office of the Judge of the County
Court, in and for said County, on the **23rd**
day of **March**, A. D. 19**08** and
recorded in Book "**2**" of **Adm.**
Records of said Court, on page **200**

Geo. B. Fay

Judge of the County Court.

Attorney for

W/ce

STATE OF NORTH DAKOTA, }
COUNTY OF DICKEY }

IN COUNTY COURT.
BEFORE HON. GEO. H. FAY, JUDGE.

IN THE MATTER OF THE ESTATE OF Mollie N. Town, DECEASED.

Erwin E. Town,-----	Petitioner	} CITATION HEARING PETITION FOR APPOINT- MENT OF ADMINISTRATOR.
vs		
Ella M. Town, Allen E. Town, Marion D. Town, Mabel A. Town	} Respondents.	
and Lettie L. Town,-----		

THE STATE OF NORTH DAKOTA TO THE ABOVE NAMED RESPONDENTS AND ALL PERSONS INTERESTED IN THE ESTATE OF MOLLIE N. TOWN, DECEASED.

You, and each of you, are hereby notified that Erwin E. Town the petitioner herein has filed in this Court his petition, praying that Letters of administration upon the estate of Mollie N. Town late of the Township of Spring Valley in the County of Dickey and State of North Dakota, deceased, be granted to Erwin E. Town, and that the said petition will be heard and duly considered by this Court on Monday, the 20th day of April A.D. 1908, at 10 O'clock in the forenoon of that day, at the Court Rooms of this Court, in the County Court House, in the City of Ellendale County of Dickey and State of North Dakota, and you, and each of you, are hereby cited to be and appear before this Court at said time and place, and answer said petition, and show cause, if any there be, why the prayer of said petition should not be granted.

BY THE COURT ,

(SEAL).

Geo. H. Fay.
Judge of the County Court.

Dated the 23rd day of March A.D. 1908.

Let the service of the above Citation be made personally, personl Service of the above citation is hereby admitted at Ellendale N.D. March 23rd. 1908.

Erwin E. Town.
Guardaan of the above named
miners Respondents.

No. 393.

IN COUNTY COURT.
COUNTY OF DICKEY
STATE OF NORTH DAKOTA.

IN THE MATTER OF THE ESTATE OF
Mollie N. Town, Deceased.

CITATION HEARING PETITION
FOR APPOINTMENT OF
ADMINISTRATOR.

STATE OF NORTH DAKOTA }
COUNTY OF DICKEY } ss.

IN THE COUNTY COURT.

I hereby certify that the within
instrument was filed in the County
Court, in and for said County, on the 23rd
day of March, A.D. 1908, and recorded
in Book ___ of ___ Records of
said Court, on page ____.

Geo. H. Fay
Judge of the County Court.

8/10

EX THE COURT.

Judge of the County Court.
Geo. H. Fay.

Given the 23rd day of March A.D. 1908.

(393).

M.D. March 23rd 1908.
Citation Series of the above citation is hereby returned to the Court
for the purpose of the above citation to be made accordingly.

Witness my hand and
seal of the County Court
this 23rd day of March
A.D. 1908.

188881888

State of North Dakota
County of Dickey ss

Geo.H.Ladd being first duly sworn upon oath says;that he is a citizen of the United States and more than twenty one years old. That at the home of the above named respondents he served the annexed Citation upon Ella M.Town,Allen E.Town,Marion D.Town,Mabel A.Town,and Lettie L.Town by delivering to and leaving with each a true and correct copy thereof, that affiant knows that the persons so served are the identical persons named in the foregoing Citation as respondents and further affiant sayeth not.

Geo.H.Ladd

Subscribed and sworn to before me this 28th day of March 1908.

F.D.McCartney
Notary Public,Dickey Co.N.D.

My Commission expires Apr. 23,1913.

(SEAL)/

STATE OF NORTH DAKOTA,) IN COUNTY COURT.
COUNTY OF DICKEY) BEFORE HON. GEO. H. FAY, JUDGE.

IN THE MATTER OF THE ESTATE OF MOLLIE N. TOWN, DECEASED.

Erwin E. Town,-----Petitioner } ORDER FOR PUBLICATION OF
Vs } NOTICE
Ella M. Town, Allen E. Town, Marion D. Town, } TO CREDITORS.
Mabel A. Town and Lettie L. Town,--Respondents. }

WHEREAS, It appearing to the satisfaction of this Court that the estate of Mollie N. Town, deceased, does _____ exceed in value the sum of five thousand dollars, therefore,

IT IS ORDERED AND ADJUDGED, That the time in which all persons having claims against the estate of said Mollie N. Town, deceased, must exhibit and file the same, with the necessary vouchers, with the administrator be, and is hereby limited and fixed at six months from and after the first publication of due notice to all creditors of said deceased to exhibit and file their claims as aforesaid _____

IT IS FURTHER ORDERED, That notice to the creditors of said Mollie N. Town, deceased, notifying and requiring all persons having claims against the estate of the said Mollie N. Town, deceased, to exhibit and file them, with the necessary vouchers, with the administrator _____ be given by said administrator _____ by publication in the Forbes Republican a weekly newspaper published at Forbes, in said County of Dickey at least once a week for four consecutive weeks, said notice must specify and give the place where said claims can be exhibited and filed with the said administrator and the time allowed by this Court under the Statute for the exhibiting and filing of claims against said estate.

IN TESTIMONY WHEREOF, We have caused the seal of the County Court of said County to be hereunto affixed.

WITNESS, The Hon. Geo. H. Fay, Judge of the County Court of the County of Dickey in the State of North Dakota, at the Court Rooms of said Court, in the City of Ellendale, in said Dickey County, this 20th day of April, A.D. 1908.

(SEAL).

Geo. H. Fay
Judge of the County Court

No. 393.

COUNTY COURT.
COUNTY OF DICKEY
STATE OF NORTH DAKOTA.

IN THE MATTER OF THE ESTATE
OF MOLLIE N. TOWN, DECEASED.

ORDER FOR PUBLICATION OF
NOTICE TO CREDITORS.

STATE OF NORTH DAKOTA, } ss
COUNTY OF DICKEY

IN COUNTY COURT.
I hereby certify that the within
Order was filed in the County Court
in and for said County, on the 20 day
of April A.D. 1908, and recorded in
Book " 2 " of Adm. Records of
said Court, on page 215.

Geo. H. Fay,
Judge of the County Court.

4/100
TO CREDITORS
NOTICE
IN FOR PUBLICATION OF
ADMS. RECORDS

It is further ordered that notice to the creditors of said Mollie N. Town, deceased, be published in the County Court of Dickey County, North Dakota, in and for said County, on the 20 day of April A.D. 1908, and recorded in Book " 2 " of Adm. Records of said Court, on page 215.

IN WITNESS WHEREOF, we have signed the seal of the County Court of Dickey County, North Dakota, this 20th day of April, A.D. 1908.

Geo. H. Fay
Judge of the County Court

002081000

STATE OF NORTH DAKOTA, }
 County of Dickey }
 In the Matter of the Estate of Mollie N. Town, Deceased.
Erwin E. Town
 VS.
Ella M. Town, Allen E. Town, Marion D. Town, Mabel A. Town and Lettie L. Town,
 Order Appointing Appraisers.

Respondent
Administrator of the Estate of Mollie N. Town
 On application of the ~~XXXXX~~ of the ~~XXXXXXXXXXXXXXXXXXXX~~ Mollie N. Town
 deceased, it is ordered that D. E. Geer, B. R. Crabtree
 and Geo. T. Webb
Dickey
 three competent and disinterested persons of the said County of Dickey, be and are hereby appointed to estimate and appraise all the estate of the said decedent, and that a warrant under the seal of this Court issue accordingly.

IN TESTIMONY WHEREOF, We have caused the seal of the County Court of said County to be hereunto affixed.

WITNESS, The Hon. Geo. H. Fay, Judge of the
 said County Court, at the City of Ellendale, in said County, this
20th day of April A. D. 1908.

(SEAL)

Geo. H. Fay
 Judge of the County Court.

000180201

No. 393

IN COUNTY COURT,

County of Dickey

STATE OF NORTH DAKOTA.

In the Matter of the Estate of

Mollie M. Town

Deceased.

ORDER APPOINTING APPRAISERS.
Administrator

STATE OF NORTH DAKOTA,

County of Dickey

COUNTY COURT.

I hereby certify that the within Order was
filed in the County Court, in and for said County,
the 20 day of April
A. D. 1908, and recorded in Book "2"
of Adm. Records of said County,
on page 209

Geo. H. Fay

Judge

of the County Court.

Attorney for 50

STATE OF NORTH DAKOTA,)
COUNTY OF DICKEY)

IN COUNTY COURT.
BEFORE HON. GEO. H. FAY, JUDGE.

IN THE MATTER OF THE ESTATE OF MOLLIE N. TOWN, DECEASED.

Erwin E. Town, -----

Vs.

Ella M. Town, Allen E. Town, Marion D. Town, Mabel A.
Town and Lettie L. Town, ----- Respondents

} WARRANT TO
} APPRAISERS.

THE STATE OF NORTH DAKOTA TO D.E. Geer, B.R. Crabtree and Geo. T. Webb,
of said County, Greeting:

WHEREAS, Mollie N. Town, late of the County of Dickey in the State of North Dakota, lately died intestate, leaving real estate, and also goods, chattels, rights and credits within said County of Dickey and State of North Dakota, the administration whereof hath been granted to Erwin E. Town, of the Township of Spring Valley in the County of Dickey in said State, Administrator of said estate, and whereas we are desirous that said estate be duly appraised, pursuant to the statute in such case made and provided:

THEREFORE, Trusting in your integrity and disinterestedness, we have appointed, and do by these presents appoint you appraisers of all the estate and effects of said deceased, which may be in said County and State aforesaid; and being severally duly sworn to the faithful execution of said trust, and having procured from the said Erwin E. Town Administrator aforesaid, a true inventory of the real estate, and of all the goods, chattels, rights and credits of said deceased, and the said real estate, goods, chattels, rights and credits being shown and exhibited to you, the said Erwin E. Town, Administrator aforesaid, you are hereby required faithfully and impartially to appraise the same, setting down apposite to each item in said inventory, distinctly in figures, the value thereof in money, as you determined; and the said inventory and appraisal so made you will certify and subscribe, and together with this warrant, deliver without delay to the said Administrator, to be by him returned to this Court.

Hereof fail not.

IN TESTIMONY WHEREOF, We have caused the seal of the County Court of said County to be hereunto affixed.

WITNESS, The Hon. Geo. H. Fay, Judge of the said County Court, at the City of Ellendale, in said County, this 20th day of April, A.D. 1906.

(SEAL)

Geo. H. Fay.
Judge of the County Court.

No. 393.

IN COUNTY COURT.
COUNTY OF DICKEY.
STATE OF NORTH DAKOTA.

IN THE MATTER OF THE ESTATE OF
Mollie N. Town, Deceased.

WARRANT TO APPRAISERS.

STATE OF NORTH DAKOTA }
COUNTY OF DICKEY }

IN COUNTY COURT.

I hereby certify that the within
Warrant was returned and filed
in the County Court in and for
said County, on the 20th day of
April, A.D. 1908 and recorded in
Book " 2 " of Adm. Records of
said Court, on page 167.

of the County Court.

(Sd.)

Judge of the County Court.
Geo. H. Egan.

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STATE OF NORTH DAKOTA, } IN COUNTY COURT,
 County of Dickey } Before Hon. Geo. H. Fay Judge.
 In the Matter of the Estate of Mollie N. Town Deceased.
 Erwin E. Town vs. Petitioner.
 Ella M. Town, Allen E. Town, Marion D. Town, Additional Bond.
 Mabel A. Town, and Lettie L. Town
 Respondent. s

KNOW ALL MEN BY THESE PRESENTS, That we, Erwin E. Town
 of the Township of Spring Valley in
 the County of Dickey and State of North Dakota, as Principal, and
 B. R. Crabtree and G. E. Lane

all of the County of Dickey in the State of North Dakota, as sureties, are held and firmly
 bound to the State of North Dakota in the penal sum of Sixteen Thousand (\$16000.00) Dollars,
 lawful money of the United States of America, to be paid to the said State of North Dakota, for which payment,
 well and truly to be made, we hereby bind ourselves, our and each of our heirs, executors and administrators, jointly
 and severally, firmly by these presents.

The condition of the above obligation is such, that, whereas an order was made on the 3rd
 day of Feb. 1909 A. D. 1909, by the Judge of the County Court of the County of
 Dickey, State of North Dakota, authorizing the above named principal as
 Administrator of the estate of Mollie N. Town deceased,
 to sell certain real estate belonging to the estate of said deceased, and an additional bond in the sum above named
 was required and ordered to be given before the said sale;

NOW, THEREFORE, If the said Erwin E. Town
 as such Administrator of the estate of the said Mollie N. Town
 deceased, shall well and truly account for all moneys by him received, and shall well and truly execute all the duties
 of said trust as such Administrator of the Estate of the said
 Mollie N. Town deceased, according to law and the order and direc-
 tion of said County Court, then this obligation to be void, otherwise to remain and be in full force and effect

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 23rd
 day of February 1909 A. D. 1909

Signed and Sealed in Presence of
 E. E. Cassels

Erwin E. Town [SEAL]
 B. R. Crabtree [SEAL]
 G. E. Lane [SEAL]
 [SEAL]
 [SEAL]
 [SEAL]
 [SEAL]

STATE OF NORTH DAKOTA,
County of Dickey ss: On this 23rd day of Feb.
A. D. 1909, before me, a Notary Public within and for the County of
Dickey and State of North Dakota, personally appeared Erwin E. Town
B.R. Crabtree & G.E. Lane

known to me (or proved to me by the oath of
) to be the persons who are described in and who
executed the above bond, and who, each for himself, personally acknowledged that to me they executed the same freely
and voluntarily.

(SEAL) My commission expires March 12th 1913 1909x E.E. Cassels, Notary Public,
Dickey County, N.D.

STATE OF NORTH DAKOTA,
County of Dickey ss. On this 23rd day of Feb.
A. D. 1909, before me appeared B.R. Crabtree

and G.E. Lane
being first duly sworn, upon oath, and each for himself, doth say: That he is one of the sureties on and who executed
the within and foregoing bond; that he is a freeholder in the State of North Dakota, and a resident of the said County
of Dickey; that he is worth the sum of Eight Thousand

Dollars over and above all his debts and liabilities, and
exclusive of all his property exempt by the laws of this State from levy and sale on execution or attachment.

Subscribed and sworn to before me this 23rd day of Feb A. D. 1909
E.E. Cassels, Notary Public,
Dickey Co. N.D.

(SEAL) My commission expires March 12th 1913

STATE OF NORTH DAKOTA,
County of Dickey IN THE COUNTY COURT.

Upon filing and examining the within and foregoing bond, it is ordered and adjudged that the said bond be and
hereby is approved, and the same be recorded in the records of this Court.

IN TESTIMONY WHEREOF, We have caused the seal of the County Court of said County to be hereunto
affixed.

WITNESS, The Hon. Geo. H. Fay, Judge of the
County Court of the said County of Dickey, at his office in the
City of Ellendale, in said County, this
23rd day of Feb. A. D. xxx 1909.

(SEAL) Geo. H. Fay
Judge of the County Court.

No. 393
IN COUNTY COURT,
County of Dickey
STATE OF NORTH DAKOTA.
In the Matter of the Estate of
Mollie N. Town Deceased.
ADDITIONAL BOND
(Upon Sale of Land.)
STATE OF NORTH DAKOTA
County of Dickey
IN THE COUNTY COURT.
I hereby certify that the within was filed in
the County Court, in and for said County, on the
23rd day of Feb.
A. D. 1909 and recorded in Book " 1
of Sales Records of said Court,
on page 67
A.C. Wilson
Clerk of the County Court.
Attorney for

State of North Dakota, } ss
County of Dickey

J.H.Nagel, of said County and State, being duly sworn, on his oath says : That the FORBES REPUBLICAN is a weekly newspaper of general circulation, printed and published in the Village of Forbes, in said County and State, by J.H.Nagel, and has been such newspaper during the times hereinafter mentioned; and that I, J.H.Nagel, the undersigned, am the publisher, and during all such times have been the publisher of said newspaper, and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed "Notice to Creditors" Mollie N.Town a printed copy of which is hereto attached, was printed and published in said newspaper for a period of four consecutive weeks, to-wit:

April 23, 1908, April 30, 1908, May 7, 1908, May 14, 1908.

J.H.Nagel.

Subscribed and sworn to before me this 16th day of May, 1908.

F.D.McCartney
(SEAL) Notary Public, Dickey County, N.D.
My Commission expires Apr. 23, 1913.

Publication fees \$5.05.
Received payment for _____.

* * * * *

NOTICE TO CREDITORS.

In the Matter of the Estate of Mollie N.Town, Deceased.

Notice is hereby given by the undersigned Erwin E.Town, administrator of the estate of Mollie N.Town, late of the township of Spring Valley in the County of Dickey, and State of North Dakota, deceased, to creditors of and all persons having claims against said deceased, to exhibit them with the necessary vouchers within six months after the first publication of this notice, to said administrator at his residence on the Southwest quarter (SW $\frac{1}{4}$), of Section eleven (11), Township one hundred twenty nine (129), Range Sixty five (65), in the Township of Spring Valley, in said Dickey County.

Dated April 20, A.D. 1908.

Erwin E.Town,
Administrator.

First publication April 23, 1908.

STATE OF NORTH DAKOTA, }
COUNTY OF DICKEY } SS

IN COUNTY COURT.
BEFORE HON. GEO. H. FAY, JUDGE.

IN THE MATTER OF THE ESTATE OF MOLLIE N. TOWN, DECEASED.

Erwin E. Town, -----Petitioner }
Vs } ORDER HEARING REPORT
Ella M. Town, Allen E. Town, Marion D. Town, Mabel A. Town, } OF SALE OF LAND AT
and Lettbe L. Town, -----Respondents } PUBLIC AUCTION.

Erwin E. Town the administrator of the Estate of Mollie N. Town, deceased, having ~~max~~ this made a return of his proceedings under the Order of Sale of Real Estate made by this Court on the 3rd day of February A.D. 1909, and filed said return herein, and a hearing upon the said return of sale being asked for in the said return, and a hearing upon the said return of proceedings of sale being asked for in said return,

IT IS ORDERED AND DIRECTED, That Monday, the 5th day of March A.D. 1909, at the hour of 10 o'clock, A.M., at the Court Rooms of this Court, in the City of Ellendale County of Dickey and State of North Dakota, be and the same is hereby fixed for the hearing upon said return, and that notice of at least ten days be given thereof by notice posted in three public places in said Dickey County, and personally served upon all persons interested in said estate, residing within the said County of Dickey and that said notices briefly indicate the land sold and the sum for which it was sold, and refer to the return for further particulars.

IN TESTIMONY WHEREOF, We have caused the seal of the County Court of said County to be hereunto affixed.

WITNESS, the Hon. Geo. H. Fay, Judge of the County Court of the County of Dickey in the State of North Dakota, at the Court Rooms of said Court, in the City of Ellendale in said Dickey County, this 23rd day of Feby, A.D. 1909.

Geo. H. Fay

Judge of the County Court.

(SEAL).

IN COUNTY COURT,
County of Dickey
STATE OF NORTH DAKOTA.

IN THE MATTER OF THE ESTATE OF
Mollie N. Town, Deceased.

ORDER HEARING REPORT OF SALE OF LAND.

STATE OF NORTH DAKOTA } SS
COUNTY OF DICKEY }

IN THE COUNTY COURT.

I hereby certify that the within Order was filed in the County Court, in and for said County, on the 23rd day of Feby. A.D.1909, and recorded in Book " 1 " of Sales Records of said Court, on page 70.

A. G. Wilson
Clerk of the County Court.

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