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STATE OF NORTH DAKOTA }
COUNTY OF DICKEY }

IN COUNTY COURT
BEFORE HON. W. S. WICKERSHAM, JUDGE.

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

Erwin E. Town,-----	Petitioner,	} DECREE SHOWING THAT DUE AND LEGAL NOTICE TO CREDITORS HAS BEEN GIVEN.
VS		
Ella M. Town, Allen E. Town, Marion B. Town, Mabel A. Town and Lettie L. Town,-----	Respondents	

In the above entitled matter, it being duly shown to this Court by the affidavit of J. H. Nagel the publisher of the Forbes Republican a newspaper published weekly at the Village of Forbes in the County of Dickey and State of North Dakota, which affidavit is hereunto attached and made a part of this decree, that in accordance with the order of this Court, directing publication of notice to creditors heretofore made, to-wit: On the 20th day of April A. D. 1908, the 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, did cause to be published, in the manner and for the time prescribed in said order, a notice to the creditors of said deceased, whereof the following is a true copy, viz:

"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 the creditors of, and all persons having claims against said deceased, to exhibit them, with the necessary vouchers, with in six months after the first publication of this notice, to said Administrator, at his residence on the southwest quarter (SW¹/₄) 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 20th. A. D. 1908.

Erwin E. Town, Administrator.

"First publication April 23, 1908."

And upon such proof it appearing to the satisfaction of this Court that due and legal notice to said creditors has been duly given,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That due and legal notice to the ~~said~~ creditors of said Mollie N. Town, deceased, for the presentation of claims against the estate of said deceased, has been duly given; that the same is established of record, and that this decree be entered in the records of this Court.

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

WITNESS, The Hon. W. S. Wickersham, Judge of the said County Court, at the City of Ellendale in said County, this 9th day of September A. D. 1908.

(SEAL)

W. S. Wickersham
Judge of the County Court.

UNITED STATES OF AMERICA.

STATE OF NORTH DAKOTA,
COUNTY OF Dickey

ss:

IN COUNTY COURT.

I, James M. Austin and R. E. Trosin

, Judge and ex-officio Clerk of the County

Court in and for the County of Dickey

and State of North Dakota, and keeper of the records

and files thereof, (which Court, under the Constitution and laws of the said State of North Dakota, is a Court of
and R. E. Trosin Clerk of said Court
Record, having a seal,) do hereby certify that I have compared the foregoing and hereunto annexed papers, viz:

Petition for Letters of Administration, Order Hearing Petition, Citation
Hearing Petition, Order Appointing Administrator, Bond of Administrator,
Letters of Administration, Order for Publication of Notice to Creditors,
Order appointing Appraisers, Warrant to Appraisers, Inventory and
Appraisement, Petition for License to Sell Real Estate, Order of License to
Sell Real Estate, Order for shortening time for sale, Affidavit of Publication,
Notice of Sale of Land Private Sale, Additional Bond, Report of Sale of Land,
Notice Hearing Report of Sale of Land, and Affidavit of Service, Order
Hearing Report of Sale of Land, Affidavit of Publication and Decree
Showing that Due and Legal Notice to Creditors has been Given.
In the Matter of the Estate of Mollie N. Town, Deceased.

with the original records and files thereof, on file and of record in this Court, and that the same is a full, exact and
correct transcript therefrom, and of the whole of such original

Petition for Letters of Adm.,
Order Hearing Petition, Citation Hearing Petition, Order Appointing Adm. Bond
of Adm., Letters of Adm., Order for Publication, Order Appointing Appraisers,
Warrant to Appr. Inventory and Appr. Petition for License to Sell Real Est.
Order of License to sell Real Est. Order of Time, Affidavit of Pub., Notice
Of Sale of Land, Additional Bond, Report of Sale, Notice Hearing, Affidavit, Order
Hearing Report, Affidavit, and Decree Showing Notice to Creditors.
In the Matter of the Estate of Mollie N. Town, Deceased.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the

County Court of said County of Dickey at the City ofEllendale,, in said County, this 30thday of JulyA. D. 1931.James M. Austin

Judge and ex-officio Clerk of the County Court in and for the

County of Dickey and State of North Dakota.R. E. Trosin
Clerk of County Court, Dickey Co., N. Dak.

STATE OF NORTH DAKOTA,

COUNTY OF Dickey

ss:

IN COUNTY COURT.

I, James M. AustinEx-officio Clerk

, sole Presiding Judge of the County Court

of the County of Dickey

in the State of North Dakota, do hereby certify that under the

laws of the State of North Dakota, the Judge of the County Court of the County of Dickey

in the State of North Dakota, shall be and is the Clerk of said County Court; and that the above and foregoing

Certificate is in due form of law.

Given under my hand and seal, at the City of Ellendale in theCounty of Dickey

and State of North Dakota,

this 30th

day of

JulyA. D. 1931.James M. Austin

Judge.

000480243

STATE OF NORTH DAKOTA }
County of Dickey } ss.

In County Court.

I, R. E. Trosin, Clerk.....of the County Court in and for the County of Dickey, State of North Dakota, Custodian of the files and records in said office, hereby certify that I have compared the attached instrument, to-wit: Letters of Administration, In the Matter of the.....
Estate of Mollie N. Town, Deceased......

with the original thereof now on file and of record in said office, and that the same is a full and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this17th.....
day ofAugust.....A. D., 1921.

.....R. E. Trosin.....
XXXXX Clerk.

STATE OF NORTH DAKOTA)

COUNTY OF DICKEY.)

(SS. OFFICE OF REGISTER OF DEEDS.

I, H. C. Peek, Register of Deeds within and for said County and State, do hereby certify that I have carefully examined and compared the attached written instrument with that certain instrument bearing Document No. 29050, and recorded in the office of the Register of Deeds of Dickey County, North Dakota, in Book E. of Miscellaneous Records, on page 522, and that the same is a full, true and correct copy thereof, and of the filing shown thereon.

Dated at Ellendale, North Dakota, this 15th. day of August
A. D. 1931.

H. C. Peek
Register of Deeds, Dickey County,
North Dakota.

DOCUMENT NO. 29050.

THIS INDENTURE, Made this 11th. day of March 1909,
by and between Erwin E. Town,
the duly appointed, qualified and acting Administrator of the Estate of Mollie N. Town,
deceased, late of the township of
Spring Valley, in the County of Dickey and State of North Dakota,

of the first part, and B. R. Crabtree,
of the City of Ellendale, in the County of Dickey
and State of North Dakota, of the second part, Witnesseth:

THAT, WHEREAS, On the 3rd. day of February 1909, the County
Court within and for said County of Dickey, and State of North Dakota, made an
order of sale authorizing the said party of the first part to sell at private sale certain real estate of the
said Mollie N. Town, deceased, situate and being in
the township of Spring Valley in the County of Dickey
and State of North Dakota, specified and particularly described in said order of sale, and which said order of sale
is now on file and of record in said County Court, reference to which is hereby made;

AND WHEREAS, Under and by virtue of said Order of Sale, due and legal notice thereof was given by posting notices of the time and place thereof in three of the most public
places in the said County of Dickey, where said
real estate is situated, and by the publication of said notice of sale one
week successively preceding the day of sale,
to-wit: in the Dickey County Leader, a newspaper published at Ellendale,
in said County on the 4th. day of February, 1909,

and on the 23rd. day of February 1909, at the office of the said party of the
first part on the 23rd. day of February 1909, at the office of the County
Judge in the City of Ellendale, County
of Dickey and State of North Dakota, between the hours of 9 o'clock in the
morning and the setting of the sun on the same day, to-wit: At 2 o'clock
P. M. (or) offered for sale in one parcel, judging it most beneficial to
said estate, at private sale,

subject to confirmation by said County Court, the said real estate situate and being in said county of
Dickey and, as specifically described in said Order of Sale as aforesaid,

AND WHEREAS, at such sale the said party of the second part became the purchaser of the said real estate,
which is hereinafter more particularly described, for the sum of Eight Thousand Dollars,
he being then and there the highest and best bidder, and that being the highest and best sum bid
therefor.

AND WHEREAS, The said County Court, upon the due and legal return of his proceedings under the said
order of sale made by the said party of the first part, on the 23rd. day of
February 1909, after making the said sale, and upon due and legal notice
given pursuant to law in such cases made and provided

did on the 8th day of March 1909, make an order confirming said sale, and directing conveyances to be executed to the said part y of the second part; a certified copy of which order of confirmation was recorded in the records of the Register of Deeds of the said County of Dickey State of North Dakota, within which the said land was sold is situated, on the 11th day of March 1909 at 2 o'clock P. M., in Book E of Miscellaneous on page 352 and which said order of confirmation, now on file and of record in said County Court, together with the record thereof in said Register of Deeds' office, are hereby referred to and made a part of this Indenture.

NOW, THEREFORE, The said Erwin E. Town, as Administrator of the Estate of Mollie N. Town, deceased, as aforesaid, the part y of the first part, pursuant to the order last aforesaid, of the said County Court, for and in consideration of the said sum of Eight Thousand Dollars, to him in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey, unto the said part y of the second part his heirs and assigns, forever, all the right, title, interest and estate of the said deceased,

at the time of his death, and also all the right, title and interest that the said estate, by operation of law or otherwise, may have acquired other than or in addition to, that of said deceased; at the time of his death, in and to all the certain lots, piece or parcel of land, situated and being in said County of

Dickey and State of North Dakota, particularly described as follows, to-wit:

The East One Half (E $\frac{1}{2}$) of Section Eleven (11) Township One Hundred Twenty-nine (129) of Range Sixty-five (65) containing three Hundred twenty acres more or less according to the United States survey thereof,

together with the hereditaments and appurtenances to the same belonging, or in anywise appertaining, to have and to hold, all and singular, the above mentioned and described premises, together with the appurtenances unto the said part y of the second part his heirs and assigns, forever.

IN WITNESS WHEREOF, The said party...of the first part,
as aforesaid, has hereunto set...his...hand...and seal...the day and year first above written.

Signed, Sealed and Delivered in Presence of

E. E. Cassels,

Fred J. Graham,

Erwin E. Town,

Administratrix of the Estate of

Mollie N. Town, Deceased.

STATE OF NORTH DAKOTA,

County of Dickey

ss.

On this 11th day of March A. D. 1909 personally appeared before me E. E. Cassels, a Notary Public in and for said County and State Erwin E. Town,

to me well known to be the person who is described in and whose name is subscribed to the within instrument as the Administratrix of the Estate of Mollie N. Town, deceased, and acknowledged to me that he, as such Administratrix of the Estate of Mollie N. Town, deceased, executed the same.

(SEAL)

E. E. Cassels,

My commission expires March 12th. 1913. Notary Public, Dickey Co., N.D.

I hereby certify that the within instrument was filed for record in this office on the eleventh day of March A.D. 1909, at 3:00 o'clock P. M., and was duly recorded in Book E of Miscellaneous, on page 522.

Oscar D. Beggs,
Register of Deeds.

AUDITOR'S OFFICE
DICKEY COUNTY, N. D.

Delinquent taxes and special assessments or installments of special assessments paid and transfer entered.

March 11, 1909.

A. W. Eyggabroad,
County Auditor,

STATE OF NORTH DAKOTA)
) (SS. OFFICE OF REGISTER OF DEEDS
COUNTY OF DICKEY.)

I, H. C. Peek, Register of Deeds within and for said County and State, do hereby certify that I have carefully examined and compared the attached typewritten instrument with that certain instrument bearing Document No. 29044, and recorded in the office of the Register of Deeds of Dickey County, North Dakota, in Book E, of Miscellaneous Records, on page 352, and that the same is a full, true and correct copy thereof, and of the filing shown thereon.

Dated at Ellendale, North Dakota, this 15th. day of August A. D. 1931.

H. C. Peek
Register of Deeds, Dickey County,
North Dakota.

No. 8927.....

State of Minnesota
STEARNS COUNTY
PROBATE COURT

ESTATE OF

Ervin E. Town.....

Deceased.

ORDER EXTENDING TIME TO
FILE CLAIM.

Filed this 5th day of
October, 1931, and recorded
in Book "61" on page 542
thereof.

Jacob Lahn
Clerk of Probate.

000000220

UNITED STATES OF AMERICA.

STATE OF NORTH DAKOTA, }
COUNTY OF Dickey } ss: IN COUNTY COURT.

I, James M. Austin, and R. E. Trosin, Judge and ex-officio Clerk of the County Court in and for the County of Dickey and State of North Dakota, and keeper of the records and files thereof, (which Court, under the Constitution and laws of the said State of North Dakota, is a Court of Record, having a seal,) and R. E. Trosin, Clerk of said Court do hereby certify that I have compared the foregoing and hereunto annexed papers, viz:

Petition to Appoint Guardian, Order Appointing Guardian, and Guardian's Bond and Letters of Guardianship. In the Matter of the Guardianship of Ella M. Repulski, formerly Ella M. Town, Allen E. Town, Marion D. Gupstill, formerly Marion D. Town, Mabel A. Carlson, formerly Mabel A. Town and Lettie L. Hanson, formerly Lettie L. Town. than Minors.

with the original records and files thereof, on file and of record in this Court, and that the same is a full, exact and correct transcript therefrom, and of the whole of such original Petition to Appoint Guardian, Order Appointing Guardian, and Guardian's Bond and Letters of Guardianship. In the Matter of the Guardianship of Ella M. Repulski, formerly Ella M. Town, Allen E. Town, Marion D. Gupstill, formerly Marion D. Town, Mabel A. Carlson, formerly Mabel A. Town and Lettie L. Hanson, formerly Lettie L. Town, then Minors.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the County Court of said County of Dickey at the City of Ellendale, in said County, this 30th day of July A. D. 1913.

James M. Austin
Judge and ex-officio Clerk of the County Court in and for the

County of Dickey and State of North Dakota.

R. E. Trosin

Clerk of County Court, Dickey Co., N. D.
IN COUNTY COURT.

STATE OF NORTH DAKOTA, }
COUNTY OF Dickey } ss:

I, James M. Austin, sole Presiding Judge of the County Court of the County of Dickey in the State of North Dakota, do hereby certify that under the laws of the State of North Dakota, the Judge of the County Court of the County of Dickey in the State of North Dakota, shall be and is the Clerk of said County Court; and that the above and foregoing Certificate is in due form of law.

Given under my hand and seal, at the City of Ellendale in the County of Dickey and State of North Dakota, this 30th day of July A. D. 1913.

James M. Austin
Judge.

STATE OF MINNESOTA }
COUNTY OF STEARNS } SS.

IN PROBATE COURT

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

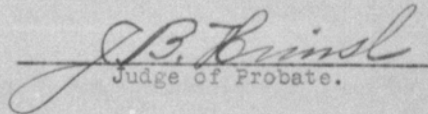
The hearing on the Final Account of Julia F. Town, as Representative of the Estate of Ervin E. Town, deceased, was set for a hearing on August 14th, 1931, and on August 3rd, 1931, a Petition was filed in this Court by J. D. Sullivan, Esq., as attorney for the Petitioner, for a stay of proceedings on said Final Account until after the hearing on a Petition for accounting by the Representative of the Estate of Molly N. Town, the wife of Ervin E. Town, who died at Dickey County, North Dakota, and for an extension of time to file a claim against the Estate of Ervin E. Town in the sum of Ten Thousand (\$10,000.) Dollars, by the heirs at law of said Molly N. Town. Said stay being granted by the Court on September 14th, 1931, and that on September 22nd, 1931, said Petition for an extension of time to file a claim against said estate was heard, pursuant to notice duly given. Julia F. Town, Representative of the Estate of Ervin E. Town, appeared and by her attorney, J. B. Pattison, Esq., and R. B. Brower, Esq., and J. D. Sullivan, Esq., appeared for the heirs at law of said Ervin E. Town and Molly N. Town; and after a full hearing in said matter, and from the testimony of the several witnesses and all the files and records in said matter, and the arguments of counsel,

IT IS ORDERED, That the time in which to file claims against the Estate of Ervin E. Town, deceased, be, and the same is hereby extended to October 15th, 1931, and that the heirs of Molly N. Town be, and they are hereby permitted to file their claim as heirs at law of said Molly N. Town, deceased, against the Estate of Ervin E. Town, deceased.

IT IS ORDERED FURTHER, That the hearing on said claim
be, and the same is hereby fixed for November 13th, 1931, at
ten o'clock A.M.

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

By the Court:


Judge of Probate.

STATE OF MINNESOTA

COUNTY OF STEARNS

} ss.

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Erwin E. Town

Deceased }

North Dakota
STATE OF MINNESOTA

COUNTY OF STEARNS Dickey } ss.

H. H. Perry

being duly

sworn says that he is administrator of the estate of Mollie N. Town, deceased,
and the claimant
in the annexed ~~Proved~~ Claim against said Erwin E. Town Deceased;
that the amount due thereon is Nine Thousand (\$9,000)..... DOLLARS
with interest on \$8,000.00 thereof since the 23rd day of February, 1909,
at six per cent per annum, and interest on \$1,000.00 thereof since the
21st day of September, 1908, at six per cent per annum.

That the same is just and true; that no payments have been made thereon which are not credited, and that there
are no offsets to the same to the knowledge of affiant.....

Subscribed and sworn to before me this

26th day of August 1931

[Signature]

Notary Public, Stearns County, Minn.
Dickey County, N. Dak.

My commission expires July 1, 1932

[Signature: H. H. Perry]

000480224

No.

IN PROBATE COURT
COUNTY OF STEARNS

In the Matter of the Estate of

Erwin E. Town

Deceased.

Proof of Itemized Claim of

H. H. PERRY, as administrator
of the Estate of Mollie N. Town.

Amount, \$.....

Nature of Claim.....

Filed this..... day of

October A. D. 1931

Jacob A. Lohr
Clerk of Probate.

MADE IN ST. LOUIS BY THE WESTERN UNION

000180225

STATE OF MINNESOTA

COUNTY OF STEARNS

IN PROBATE COURT

* * * * *

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

* * * * *

P E T I T I O N

Comes now the undersigned petitioner and respectfully alleges and shows to this Court as a basis for the relief sought herein, as follows:

That the above named Erwin E. Town died testate in the City of St. Cloud, Stearns County, Minnesota, on the 8th day of December, 1930, and that his estate is now in process of administration by the probate court of said County of Stearns. That pursuant to the terms of his last Will and Testament which has been duly admitted to probate, his widow, Julia F. Town, has been appointed representative of said estate.

That the heirs of said Erwin E. Town and the parties entitled under the laws of the State of Minnesota to participate in the distribution of his estate are his said widow, Julia F. Town, and his five children, namely; Allen E. Town, Ella M. Repulski, Marion D. Guptill, Mabel A. Carlson and Lettie L. Hanson.

That the six months' period designated by said probate court of Stearns County, Minnesota, for the filing of claims against the estate of Erwin E. Town has expired a comparatively short time ago, but that the period in which claims may be filed by creditors against said estate upon proper showing under the laws of the State of Minnesota has not as yet expired.

That said Erwin E. Town was formerly a resident of Dickey County in the State of North Dakota, and that his wife by his first marriage, one Mollie N. Town, was also a resident of said Dickey County, North Dakota, and that she died intestate on the 16th day of March, 1908, in said County of Dickey, North Dakota, leaving surviving as her heirs at law under the North Dakota law the above named Erwin E. Town, her

surviving husband, and the five children hereinbefore mentioned as heirs at law of said Erwin E. Town.

That thereafter on the 20th day of April, 1908, such proceedings were duly had in the County Court of Dickey County, North Dakota, that the above named Erwin E. Town was duly appointed as the administrator of the estate of said Mollie N. Town, deceased; that he duly qualified as such administrator; that Letters of Administration as such administrator were duly issued to him by the said County Court of Dickey County, North Dakota, on the 20th day of April, 1908, and that thereafter he remained as administrator of said estate until the time of his death. That said Mollie N. Town, deceased, wife of said Erwin E. Town, left estate both real and personal in said Dickey County, North Dakota, and that said Erwin E. Town as administrator of her said estate took possession of all thereof. That as such administrator he took into his possession and converted to his own use the sum of Eight Thousand Dollars (\$8,000) which he received from the sale of a certain half-section of land in said County of Dickey, North Dakota, belonging to the estate of said Mollie N. Town, deceased, and that in addition thereto he received into his possession as such administrator and converted to his own use the sum of One Thousand Dollars (\$1,000) life insurance upon the life of said Mollie N. Town which was payable to her estate. That in all there came into possession of said Erwin E. Town the sum of Nine Thousand Dollars (\$9,000) belonging to the estate of said Mollie N. Town, of which amount the said sum of Eight Thousand Dollars (\$8,000), the proceeds of the sale of said half-section of land, came into his possession on or about the 23rd day of February, 1908, and the said sum of One Thousand Dollars (\$1,000) life insurance money came into his possession on the 21st day of September, 1908.

That within a comparatively short time after the receipt of said moneys as aforesaid in his capacity as administrator of the estate of said Mollie N. Town, deceased, the said Erwin E. Town departed from the State of North Dakota, and that he never settled up his account as such administrator, nor has he ever accounted in any way for the said

moneys aforesaid, but converted them wholly to his own use and used them for his own benefit.

That the said County Court of Dickey County, North Dakota, under the laws of said State of North Dakota, had complete jurisdiction over the estates of deceased persons in said Dickey County, and duly exercised its powers in the appointment of said Erwin E. Town as administrator as aforesaid, and that the administration of the estate of said Mollie N. Town is still unfinished and still pending in the said county court of Dickey County, which still retains and has complete jurisdiction over said estate.

That the five children of said Mollie N. Town comprised all her heirs at law in addition to her surviving husband, said Erwin E. Town, and that said children were all minors at the time of her death and had no knowledge as to what her estate consisted of or its value, nor as to what proceedings had been instituted by said Erwin E. Town, their father, in the said County Court of Dickey County, for the administration of their mother's estate, and had no knowledge of the moneys received by their father, said Erwin E. Town, from their mother's estate until less than two months ago when by chance they were put upon inquiry and discovered for the first time the true state of their mother's estate and the facts in reference to the conversion of the property of said estate by their deceased father, Erwin E. Town. That immediately upon the discovery of the true situation by said children they caused a petition to be duly filed in said County Court of Dickey County, North Dakota, for the appointment of an administrator of their mother's estate, and such proceedings were duly had upon said petition that upon the 17th day of August, 1931, your petitioner herein, H. H. Perry of the City of Ellendale in the County of Dickey, State of North Dakota, was duly appointed administrator of said estate of Mollie N. Town; that on the same date he duly qualified as such administrator and Letters of Administration were duly issued to him by said County Court of Dickey County, and that he is now and ever since has been the duly appointed, qualified and acting administrator of said Mollie N. Town Estate.

That in accordance with his duty as such administrator and in accordance with the laws of the State of North Dakota, it became and was his duty to recover for said Mollie N. Town estate the said Nine Thousand Dollars (\$9,000) so misappropriated and converted to his own use by the said Erwin E. Town during his lifetime, and that he now comes to this Probate Court of Stearns County, Minnesota, which court has jurisdiction of the estate of said Erwin E. Town, deceased, and asks leave of said Probate Court of Stearns County, Minnesota, to file a claim as administrator on behalf of said Mollie N. Town estate against said estate of Erwin E. Town, deceased, for the said sum of Nine Thousand Dollars (\$9,000), with interest thereon at the rate of six per cent (6%) per annum since the date when said moneys were so received as aforesaid by said Erwin E. Town. That he, this claimant and petitioner, as such administrator, had no notice or knowledge of the matters and things set forth in regard to the misappropriation of said money until he was advised by the children of said Mollie N. Town of said misappropriation.

That your petitioner as such administrator has heretofore filed a petition with this Probate Court of Stearns County, Minnesota, and has asked a stay of proceedings in the matter of the administration of the estate of said Erwin E. Town until such time as he as representative of the Mollie N. Town estate could present a claim to said probate court for the moneys hereinbefore mentioned, either as a general creditor or by way of asking an accounting, and now asks leave of this court to present said claim as a general creditor instead of asking for an accounting of profits.

That your petitioner in support of this petition files herewith with this court certified copies of records of the County Court of Dickey County, North Dakota, and other evidence showing the actual receipt of this money by said Erwin E. Town, and his failure to account therefor.

WHEREFORE, Your petitioner respectfully prays that this court issue an order for hearing upon this petition, and that pursuant

thereto your petitioner's claim for said sum of Nine Thousand Dollars (\$9,000) with interest, which is filed herewith with said Probate Court, be allowed; that meanwhile the said stay of proceedings upon the administration of the estate of said Erwin E. Town be continued, and that a citation be issued by this court requiring the executrix of the estate of said Erwin E. Town to show cause before said Probate Court at a time and place to be fixed by this court why said claim of your petitioner on behalf of the Mollie N. Town estate be not allowed to be filed and allowed by this court as a claim against the said estate of Erwin E. Town, deceased.

Dated this 26th day of August, 1931.

J. D. Sullivan &
J. D. Sullivan
Attorneys for Petitioner,
St. Cloud, Minnesota.

H. H. Perry
Petitioner.

STATE OF NORTH DAKOTA)
COUNTY OF DICKEY) ss.

H. H. PERRY came before me personally and being first duly

sworn on oath says that he is the petitioner named in the foregoing petition; that he has read said petition, knows the contents thereof, and that the same is true of his own knowledge except as to matters therein stated on information and belief, and as to those matters he believes it to be true.

H. H. Perry

Subscribed and sworn to before me
this 26th day of August, 1931.

E. A. Whipple
Notary Public, Dickey County, N. Dak.
My commission expires July, 1, 1937

STATE OF MINNESOTA

COUNTY OF STEARNS

IN PROBATE COURT

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

P E T I T I O N

Comes now the undersigned petitioners and respectfully allege and show to this court as a basis for the relief sought herein, as follows:

That the above named Erwin E. Town died testate in the City of St. Cloud, Stearns County, Minnesota, on the 8th day of December, 1930, and that his estate is now in process of administration by the probate court of said County of Stearns. That pursuant to the terms of his last Will and Testament which has been duly admitted to probate, his widow, Julia F. Town, has been appointed representative of said estate.

That the six months' period designated by said probate court of Stearns County, Minnesota, for the filing of claims against the estate of said Erwin E. Town expired a comparatively short time ago, but that the period in which claims may be filed by creditors against said estate upon proper showing under the laws of the State of Minnesota has not as yet expired.

That said Erwin E. Town was formerly a resident of Dickey County, in the State of North Dakota, and that his wife by his first marriage, one Mollie N. Town, was also a resident of said Dickey County, North Dakota, and that she died intestate on the 16th day of March, 1908, in said County of Dickey, North Dakota, leaving surviving as her heirs at law under the North Dakota law the above named Erwin E. Town, her surviving husband, and five children, Allen E. Town, Ella M. Repulski, Marion D. Guptill, Mabel A. Carlson and Lettie L. Hanson, your petitioners herein.

That said Mollie N. Town, deceased, wife of said Erwin E. Town,

in addition to real and personal property owned by her at the time of her death, left a policy of insurance in the Royal Neighbors of America in the sum of One Thousand Dollars (\$1,000), which policy by its terms was payable to your petitioners, Allen E. Town, Ella M. Repulski, Marion D. Guptill, Mabel A. Carlson and Lettie L. Hanson, who are the children of said Mollie N. Town, deceased, all of whom were minors at the time of her death and residents of said County of Dickey, North Dakota. That after the death of said Mollie N. Town such proceedings were duly had in the County Court of Dickey County, North Dakota, of which county your petitioners were then residents, as was also Erwin E. Town, and of which county said Mollie N. Town was a resident at the time of her death, that said Erwin E. Town, on the 23rd day of March, 1908, was duly appointed the guardian of your petitioners, and Letters of Guardianship were duly issued to him by said County Court on said 23rd day of March, 1908. That said Erwin E. Town duly qualified as such guardian, and thereafter on the 20th day of April, 1908, collected as such guardian from the said Royal Neighbors of America upon said policy of insurance the sum of One Thousand Dollars (\$1,000).

That thereafter said Erwin E. Town left the State of North Dakota and took and converted to his own personal use and benefit the said sum of One Thousand Dollars (\$1,000) which he received as guardian for your petitioners, and has never accounted in any way to the County Court of Dickey County, nor to your petitioners, for said money.

That said County Court of Dickey County under the laws of the State of North Dakota, had complete jurisdiction of said Erwin E. Town as guardian in such proceeding and had full power and authority to appoint him as such guardian for your petitioners.

Your petitioners further allege that they had no knowledge of the receipt of said money by said Erwin E. Town nor 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 said Dickey County, North Dakota, they discovered that said Erwin E. Town

had been appointed their guardian and had received said sum of One Thousand Dollars (\$1,000) upon said policy as aforesaid. That the said Erwin E. Town during his lifetime concealed from your petitioners the fact of such guardianship and of the receipt of such money.

That your petitioners have now attained their majority and are desirous of filing a claim against the estate of said Erwin E. Town for the said sum of One Thousand Dollars (\$1,000) with interest thereon at the legal rate since the receipt thereof by said Erwin E. Town.

That in support of this petition they file herewith for the information of this court written evidence of said guardianship and of the receipt of said money by said Erwin E. Town.

That your petitioners ask this court for a stay of proceedings in the matter of the administration of said Erwin E. Town estate until the matters and things set forth in this petition can be disposed of by this court.

WHEREFORE, Your petitioners pray the order of this Court for a stay of proceedings as herein requested and for a further order and citation directing and requiring Julia F. Town, the executrix of the estate of Erwin E. Town, deceased, to show cause before this court at a time and place to be fixed by the court, why the claim of your petitioners should not be allowed to be filed as a claim against said estate and adjudicated and passed upon by this court in the process of the administration of said Erwin E. Town estate.

Dated at St. Cloud, Minn., this 26th day of August, 1931.

Allen E. Town
Lettie L. Hanson
Maria D. Gustell
Isabel A. Carlson
Ella M. Repulski

S. D. Lagerman &
H. A. Duhrain
Attorneys for Petitioners,
St. Cloud, Minnesota.

STATE OF MINNESOTA

)

ss.

COUNTY OF

)

ALLEN E. TOWN, ELLA M. REPULSKI, MARION D. GUPTILL, MABEL A. CARLSON and LETTIE L. HANSON, came before me personally and being first duly sworn on oath say that they are each one of the petitioners named in the foregoing petition, that said petition is true of their own knowledge, except as to matters therein stated on information and belief, and as to those matters they believe it to be true.

Allen E. Town
Lettie L. Hanson
Marion D. Guptill
Mabel A. Carlson
Ella M. Repulski

Subscribed and sworn to before me
this 21st day of August, 1931.

Ruth L. Hyslop

RUTH L. HYSLOP,
Notary Public, Benton County, Minn.,
My Commission Expires May 24, 1933.

8927

STATE OF MINNESOTA
COUNTY OF STEARNS
IN PROBATE COURT

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

PETITION and Proof of Claim

Hearing Sept 14, 1931.

Filed this *27th* day
of *August* A.D. *31*

Jacob A. Lohr
claim filed Oct 12, 1931
Jacob A. Lohr
clerk

J. D. SULLIVAN
HENRY H. SULLIVAN
ST. CLOUD, MINNESOTA

Attorney for Petitioner.

The Tuttle Law Print, Publishers, Rutland, Vt.

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8927

STATE OF MINNESOTA
COUNTY OF STEARNS
IN PROBATE COURT

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

PETITION AND PROOF OF CLAIM

Claim of Jacob A. Lahn

Filed 1913 *27th* day

of *August* A. D. 19*13*

Jacob A. Lahn
Clerk of Court

Claim filed Oct. 12, 1914
Jacob A. Lahn
Clerk.

J. D. SULLIVAN
HENRY H. SULLIVAN
ST. CLOUD, MINNESOTA

Attorney for Petitioners.

The Tuttle Law Print, Publishers, Rutland, Vt.

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STATE OF MINNESOTA }

COUNTY OF STEARNS }

ss.

IN PROBATE COURT.

In the Matter of the Estate of
ERWIN E. TOWN, Deceased.

P E T I T I O N

Your Petitioner respectfully represents and shows to the Court:

1. That your petitioner is the Executor of the Last Will and Testament of Erwin E. Town, deceased, under letters testamentary, duly issued to her by the above named Court, which letters of authority are now in full force and effect.

2. That on October 8th, 1929, said decedent, being then the owner of the following described real estate in Stearns County, to-wit: Lots 15, 16, 17, 18, 19, and 20, in Block 8, in Cottage Place Addition to St. Cloud, sold the same to James Brown, of St. Cloud, Minnesota, under contract for deed, dated on said day, for a consideration of \$1500.00 to be paid in installments of \$20.00 per month.

3. That on May 21st, 1930, the said James Brown, then in possession of the above described real estate under said contract for deed, commenced the construction of a house on said lot 17, with the consent and approval of decedent and purchased certain lumber and building materials, which were used in said improvement, from Mathew Hall; that the amount of said building materials was \$802.67, and were furnished by said Mathew Hall between May 21st, 1930, and October 7th, 1930, on which there has been paid \$530.83, leaving an unpaid balance of \$271.84; that of the amount so paid on said lumber bill, decedent paid the sum of \$400.00, and that on September 8th, 1930, decedent conveyed the real estate above described to the said James F. Brown by warranty deed, dated on said day, which deed was recorded in the office of the Register of Deeds of Stearns County, on September 10th, 1930, in Book 204 of Deeds on page 7; that at the time of said conveyance said improvements had not been completed and was in the course of construction, and no payments had been made on the account of said lumber and building material furnished by Mathew Hall, except the sum of \$400.00, which had been paid by decedent; that it was understood and agreed between the said James F. Brown and decedent that the said Brown should complete said improvement and should pay the balance due Mathew Hall on said lumber and building materials which had been furnished, and also which would be furnished after the time of such conveyance for the making and completion of said improvement.

4. That on September 8th, 1930, the said James F. Brown and his wife made, executed and delivered to the decedent their promissory note for the sum of \$1950.00, dated September 8th, 1930, together with a mortgage upon the real estate first above mentioned to secure said note, which mortgage was given in payment of the amount owing by the said James F. Brown to decedent on said contract for deed, and also including the sum of \$400.00, which decedent had paid to Mathew Hall on account of the lumber and building materials furnished to the said Brown for said improvement, which mortgage was recorded in the office of said Register on September 10th, 1930, in Book 111 of Mortgages on page 15; and that said mortgage is one of the assets of the estate of decedent, and that no part thereof has been paid.

000180237

5. That on December 8th, 1930, and within ninety days after the last item of such lumber and building materials were furnished by him to the said James F. Brown, the said Mathew Hall made and filed in the office of said register of deed his claim of lien upon and against Lot 17, in Block 8, in Cottage Place Addition to St. Cloud, which is the real estate on which said building was constructed, for the sum of \$269.15, plus interest at the rate of six per cent from October 7th, 1930, which was the date when the last item of such material was furnished, and that said lien has not been paid or satisfied, and that the said Mathew Hall is about to commence an action to enforce his said lien upon said real estate and if such action is commenced considerable expense will be incurred and your petitioner is informed and believes that the mortgage lien above described, owned by this estate, will be adjudged to be subordinate to the lien of said Mathew Hall; that the said James F. Brown is willing to execute and deliver to your petitioner, as such representative, a second mortgage upon said real estate to secure the amount of the said lien, if your petitioner pays and discharges the lien of said Mathew Hall. This petitioner is of the opinion that it would be for the best interests of said estate to pay the amount due the said Mathew Hall at this date on his said lien out of the funds of the estate and to take a second mortgage on said real estate from the said James F. Brown and his wife for the amount so paid.

WHEREFORE, Your petitioner prays that the Court authorize your petitioner to pay out of the funds of the estate of said decedent and pay the amount due and owing the said Mathew Hall on his lien claim, and that your petitioner be authorized to take from the said James F. Brown and his wife a second mortgage on the above described real estate for the amount so paid to the said Mathew Hall, said mortgage to be payable not more than three years after date and to bear interest at the rate of six per cent per annum, payable semiannually, and to mature in such monthly installments as your petitioner may be able to get the said James F. Brown to ~~make therefor~~.

Dated at St. Cloud, Minnesota, this 3rd day of October, 1931.

Julia F. Town
Petitioner.

STATE OF MINNESOTA)
COUNTY OF STEARNS) ss.

Julia F. Town, being first duly sworn, says that she is the representative of the above estate of Erwin E. Town, deceased, and is the person who made and subscribed the foregoing petition; that she has read the foregoing petition 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 them to be true.

Subscribed and sworn to before me
this 3rd day of October, 1931.

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

Julia F. Town

STATE OF MINNESOTA
COUNTY OF STEARNS

} ss.

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Erwin E. Town

Deceased }

STATE OF MINNESOTA
COUNTY OF STEARNS

} ss.

Allen E. Town, Ella M. Repulski, Marion D. Guptill, Mabel A. Carlson and
Lettie L. Hanson,
being duly sworn says that ~~xxx~~ they are the claimants
in the annexed ~~xxxxxxx~~ Claim against said Erwin E. Town
Deceased; that the amount due thereon is One Thousand (\$1,000).....DOLLARS
with interest thereon at the legal rate from the 20th day of April, 1908

That the same is just and true; that no payments have been made thereon which are not credited, and that there
are no offsets to the same to the knowledge of affiant. .

Subscribed and sworn to before me this

25th day of August 1931

Ruth L. Hyslop

Notary Public, Stearns Co., Minn.

My commission expires

19

RUTH L. HYSLOP,
Notary Public, Benton County, Minn.

Commission Expires May 24, 1933.

Allen E. Town

Lettie L. Hanson

Marion D. Guptill

Mabel A. Carlson

Ella M. Repulski

00010239

No.

IN PROBATE COURT
COUNTY OF STEARNS

In the Matter of the Estate of

Erwin E. Town

Deceased.

Proof of Itemized Claim of

Allen E. Town, Ella M. Repulski,
Marion D. Guptill, Mabel A. Carlson,
Lettie L. Hanson

Amount, \$1,000.00 and interest.

Nature of Claim

Filed this 12th day of

October A. D. 1931

Jacob A. Lahn
Clerk Judge of Probate.

MADE IN U.S.A. BY THE STEARNS COMPANY

000180240

Cottage Account.

1931			
April 14	Labor - Ole Greenfield & wife		4.00
Apr. 30	Mrs. Betzhold - Labor		2.90
May 12	Taxes $\frac{1}{2}$ - 1930 -		5.24
May 20	Insurance - J. Kinsella		10.00
May 27	Kregse - Kitchen Supplies		2.15
May 27	Ice Box & Oven		15.10
May 27	Schaefer Book Store - Alladin Lamp ^m		15.50
May 29	Anna Pella - Labor		1.25
May 29	Herman Landenback & br. truck & labor		7.00
May 29	Rent of Cottage -	5.00	
June 13	Rent - Mrs. Mohr etc.	3.00	
June 17	Rent - Mrs. Deppa & Family	3.00	
June 20	Rent - Mr. Jensen etc.	15.00	
June 29	Rent - Mr. Jensen -	3.00	
June 29	Adds - Times Journal Press.		2.40
July 1st	Rent - Walter Schmid	5.00	
July 2nd	Rent - Miss Koell	5.00	
July 6th	Rent - Walter Schmid	2.00	
July 6	Rent - H. Koell	15.00	
July 13	Times Journal Press - Add.		.30
July 18	Rent - Miss Koell	10.00	
July 22	Rent - Mrs. Koell	20.00	
Oct. 14	1930 Taxes $\frac{1}{2}$		5.24
Aug 24	Rent - M. A. Eckstrom	10.00	
Sept. 11	Rent - M. A. Eckstrom	5.00	

\$101.00 6598

Cottage Account.

1932

Brought Forward \$65.98

Jan. 5	Dny Schoth - window glass + labor.	3.00
Feb. 2	Niskern - Insurance	16.65
May 12	Mrs. Madge Bailey + sons - Labor	6.50
May 26	1930 Taxes - last $\frac{1}{2}$.	

\$101.50 91.63

Cottage - Cost

Original Cost	750	10
Furniture -	42	50
Drayage -	5	00
Boat	55	25
Insurance	10	13
Lumber	105	50
Mr. Popp - Labor	4	50
	\$976	88

STATE OF MINNESOTA.

COUNTY OF STEARNS.

SS.

IN PROBATE COURT.

In the matter of the Estate of

Erwin E. Town,

Decedent.

DISTRIBUTION OF CASH
LISTED IN RESIDUE OF
PERSONAL PROPERTY.

Amount of cash shown by amended final account (page 3) \$1,823.00

CORRECTIONS-

(a)- The total of Schedule No. 6 (see page 14 of final account) was \$889.38. In drawing the amendment to the final account, this total was carried forward as \$899.38, an error of \$10.00, which should be added to residue \$ 10.00

(b)- In Schedule No. 6 (Repairs to Real Estate- See page 14 of final account) appears Dec-11- Simonson Lbr. Co. #825 2nd. Ave. S. \$3.10 Dec-11- Simonson Lbr. Co. #717-721-17 Ave \$63.24 A check of Simonson's books shows that the item of \$3.10 was also included in the item of \$63.24- hence \$3.10 should be charged back against the representative and added to the residue- \$ 3.10

(c)- In Schedule No. 6 (Repairs to Real Estate- see page 14 of final account) there is an item of "Tex Edelbach -labor and materials \$11.60- It is found that the first item in this bill of \$2.30 was for work on #833 - 16th. Ave. S., not the property of the estate- hence this item should be charged back and added to residue \$ 2.30

It was claimed that Schedule No. 3, page 12, should total \$443.59 instead of \$434.59. A careful check of this schedule shows that \$434.59 is correct-

TOTAL CASH remaining for distribution - - - - - \$1,838.30

Julia F. Town- - - -	\$ 606.36
Allen E. Town - - - -	\$ 246.39
Ella Repulski - - - -	\$ 246.39
Marion Guptil - - - -	\$ 246.39
Mable Carlson - - - -	\$ 246.39
Lettie Hanson - - - -	\$ 246.39
	<u>\$1,838.31</u>

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7/2/63

STATE OF MINNESOTA)
COUNTY OF STEARNS }

ss.

IN PROBATE COURT.

In the Matter of the Estate of

ERWIN E. TOWN, Decedent.

AMENDMENTS TO FINAL ACCOUNT.

The representative of the above named estate represents and shows to the Court:

1. That she is the representative of the estate of the above named decedent; and that since the filing of her final account in the above matter, she finds several corrections thereof should be made, and also certain additions thereto should be made to cover the period of time from the making of such final account to the date of hearing on her petition for settlement and allowance thereof, and that the following corrections and additions should be made:

SCHEDULE NO. 2 - page 12
"Cash from Interest and Profits"

(a) The total of this schedule as shown on said final account is - - - - - \$1,572.04
The item of "Dec. 2, 1931, - Interest on Monumental notes to December 1st, and 5% payment on principal of notes" stated at \$414.72 should be reduced by the sum of \$259.20, being the amount on the principal of said notes, as this payment reduces the amount of the notes as stated in list of property remaining in the hands of the representative for distribution, and also reduced the amount of the total receipts by the representative - - - - - 259.20

The item of "5% difference between original and unpaid balance of notes" should be eliminated as the amount \$28.80 was also a payment on the principal of said notes 28.80
Total amount of deductions from this Schedule No. 2 - - - - - 288.00 +

Corrected total of Schedule No. 2 - - - - - \$1,284.04

SCHEDULE NO. 6 - page 14
"Repairs to Real Estate."

(b) - The total of this schedule as shown on said final acc't is - 899.38
The item of Nov. 3, 1931, "P.C. Bettendorf, for serving papers on W. Collins living at 717 17th Avenue S. \$4.50" should be eliminated as the same item of expense is included in Schedule 8, page 15, under "Expenses of Representative" and the total of such schedule should be reduced by the sum of - - 4.50
Item of April 28, Tex. Edelbach should be \$20.83 instead \$20.00 as stated - difference added - - - - - .83
Corrected total of Schedule 6 - - - - - 895.71
Disbursements for Repairs, since May 2, 1932 -
May 25th, Geo. Schwintek for labor - - - - - .75
May 25, Nels Simonson for material and labor - - - - - 16.85
May 25, J. A. Neil, labor - - - - - 2.30
May 25, Mrs. G. Hollander, for labor - - - - - 2.65
May 25, T. Edelbach for labor - - - - - 1.50
May 25, paid to St. Cloud Times for advertising - - - - - .60
Total - - - - - 920.36

SCHEDULE NO. 1- pages 10 - 11.
CASH FROM RENTS OF REAL ESTATE.

Since making her final account, the representative of this estate has received the following rentals, which should be added to Schedule No. 1.

Total of Schedule No. 1 as shown on final account - - - \$2,518.80

Rents received since May 2, 1932:
May-2-1932- Rent- 829 16th. Ave. S. \$30.00
May-3-1932- Rent- 823 16th. Ave. S. \$30.50
May-7-1932- Rent- 825-2nd. Ave. S. \$35.00
May-12-1932- Rent- 1300-11th. Ave. S. \$20.00 \$ 115.50
Total- - - - - \$2,634.30

SCHEDULE NO. 3- page 12.
CASH FROM ALL OTHER SOURCES.

Total of Schedule no. 3 as shown on final account - - \$ 434.59

May-25-1932- Received refund on water bill from
No. 825 2nd. Ave. S. \$ 2.44
Total- - - - - \$ 437.03

SCHEDULE NO. 5- page- 13-
CASH PAID FOR WATER BILLS.

Total of Schedule No. 5 as shown on final account - - \$ 79.95

May-17-1932- Paid water bill-825-2 Ave. S. \$2.44.
Paid water bill-717-17 Ave. S. .62 \$ 3.06
Total- - - - - \$ 83.01

SCHEDULE NO. 7- page 15-
EXPENSES OF REPRESENTATIVE.

Total of Schedule No. 7, as shown on final account - - \$ 177.17
Since the making of the final account on May 2, 1932,
the following expenditure has been made:

May-26-1932- Paid Justice Bettendorf for fees in
action against Andrew Nuetzling for
House rent- \$ 3.45. ✓
Total - - - - - \$ 180.62.

RESIDUE OF PERSONAL PROPERTY- (Corrected)-

✓ (1)- 120 shares of Monumental Sales & Mfg. Co. stock-	\$12,000.00
for \$2880.00	
✓ (2)- (CORRECTION)- Note of Monumental Sales & Mfg. Co. dated Dec-1-1925- due on demand- payable to order of E. E. Town, bearing interest at rate of 6% per annum- interest paid to Dec-1-1931- (See Schedule 2 page 12 for interest payments)- on which 10% of principal was paid Dec-2-1930- (See Schedule 8, page 15) and on which 5% of principal was paid Dec-2-1931- (See Schedule 2 above)- corrected value - - - - -	\$ 2,448.00
✓ (3)- (CORRECTION)- Note for \$2880.00 of Monumental Sales & Mfg. Co., dated Dec-1-1928- due on demand- payable to order of E. E. Town, bearing interest at rate of 6% per annum, interest paid to Dec-1-1931- (See Schedule 2 page 12 for interest payments), on which 10% of principal was paid Dec-2-1930 (See Schedule 8 page 15) and on which 5% of principal was paid on Dec-2-1931- (See Schedule 2 above) corrected value - - - - -	\$ 2448.00
(4)- Note of George Guy and Marie Guy - - - - -	\$ nil
(5)- Brown mortgage - - - - -	\$ 1,950.00
Taxes paid on Brown property - - - - -	\$ 44.91
Brown note and mortgage taken to reimburse estate for Mathew Hall lien - - - - -	\$ 288.15
Brown note and mortgage taken to reimburse estate for Axell Electric Co. lien- - - - -	\$ 99.00
(6) Jesek note and mortgage - - - - -	\$ 1,437.34
(7)- Lagergren Mortgage- CORRECTION- Interest on this mortgage has been paid to Dec-16-1931- (See Schedule 2 page 12)	\$ 3,400.00
(8)- Receivers Certificate- First Nat'l Bank- - - - -	\$ 18.05
(9)- Claim against Ray Bennett for rent- - - - -	\$ 55.00
(10)- Note and chattel mortgage of Donald W. Kirk- - - - -	\$ 57.80
(11)- One row boat - - - - -	\$ 25.00
(12)- One Plymouth automobile - - - - -	\$ 132.00
(13)- Cash - - - - -	\$ 1,823.00
	<u>1838.30</u>
Corrected Total - - - - -	\$26,236.25

UNPAID ACCOUNTS DUE ESTATE

The following accounts are owing to the estate:

W. Collins- water bill - - - - -	\$ 1.10
Chas. Palin- rent for October, 1931, - - - - -	\$25.00
R. W. Butler- water bill- - - - -	\$ 4.64
Frank Windhurst- rent- Moh-15th. to May-28-1932- - - - -	\$60.16
Frank Windhurst- water bill - - - - -	\$ 2.52
✓ Andrew Nuetzling- rent- Apr-28-1932- to May-28-1932- - - - -	\$30.00
✓ Andrew Nuetzling- water bill - - - - -	\$.62
	<u>\$124.04</u>

✓ Judgment has been entered against Andrew Nuetzling before Justice Peter C. Bettendorf for amount of these claims.

The final account should be amended to reflect the changes in the foregoing schedules:

R E C E I P T S

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 for - - - \$55.00	
Claim against Donald W. Kirk- - - - \$57.80	118.38
Cash from rents of real estate-Schedule No.1, page 10- See amended Schedule No. 1- page 2.	\$ 2,634.30
Cash from interest and profits-Schedule 2- page 12- See amended Schedule 2- page 1.	\$ 1,284.04
Cash from all other sources- Schedule No.3, page 12- See amended Schedule 2, page 2.	\$ 437.03
Total- - - - -	\$ 58,005.39.

II. EXPENSES OF ADMINISTRATION.

	Voucher-	Amount.
Correction of Inventory- Schedule 8, page 15, - - - - -	- \$	576.00 ✓
Cash paid appraisers for services- - - - - 4-5-	\$	20.00 ✓
Cash paid for publication of orders- - - - - 6-7-8-8½-	\$	28.80 ✓
Cash paid for repairs- Schedule 6, page 14- No. 9 See amended schedule 6, page 1.	\$	920.36
Cash paid for insurance- Schedule No.4, page 13, -NO-10-	\$	90.15 ✓
Expenses of representative-Schedule 7-page 16- Nos.11- See amended Schedule 7- page 2. - - 12-12a- b-c-d-e-f-	\$	180.62 ✓
Compensation of representative- (none claimed if allowance to widow is allowed-	\$	
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- See amended Schedule 5- page 2.	No. 14 \$	83.01 ✓
Automobile licenses -1931-1932-	Nos. 16-16a-	\$ 28.50
Copies of letters testamentary	Nos.15-16-16½	\$ 3.00 ✓
Cost of copy of final decree and recording- NO _____	\$	10.00 ✓

Total Expenses of administration - - - - - \$ 2,840.44

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<u>V. TAXES</u>	<u>Voucher</u>	<u>Amount</u>
Personal property taxes for year 1930-	No. 21	\$ 9.97
Personal property taxes for year 1932-	No. 21a	\$ 7.59
Real property taxes: First half 1930-	No. 22	\$ 196.63
Second half 1930-	No. 22a	\$ 196.63
First half 1931-	No. 23b	\$ 189.46 ✓
City Assessments- Cl-FL- 5-6/3 Reicherts	No. 23	\$ 4.20
Cl-Fl- same	No. 23a	\$ 4.20 ✓
Total- - - - -		<u>\$ 608.68</u>

R E C A P I T U L A T I O N

TOTAL RECEIPTS FROM ALL SOURCES - - \$58,005.39

DISBURSEMENTS:

1. Family- Personalty selected by spouse	\$ 950.00
2. Maintenance of Family	\$ 1,600.00
3. Expenses of Administration	\$ 2,840.44
4. Expenses of last sickness	\$ 702.00
5. Funeral expenses	nil
6. Taxes	\$ 608.68
7. Claims of creditors	\$ 1,078.02
8. Legacies	\$24,000.00
Total credits	<u>\$ 31,779.14</u>
Residue of Personal Property remaining for distribution	<u>\$26,226.25</u>
Totals- - - - -	<u>\$58,005.39.</u> <u>\$58,005.39</u>

Wherefore, Your petitioner prays that her final account of her administration of the estate of said decedent be amended and changed in the particulars herein set out so that said final account will show the true condition of said estate at the time of the settlement of such final account.

Dated May 27th. 1932,

Julia F. Town
Petitioner.

State of Minnesota.

ss.

County of Stearns.

Julia F. Town, being first duly sworn, says that she is the representative of the estate of the above named decedent and the person who made and subscribed the foregoing petition; that she has read the same and knows the contents thereof and that the same is true of her own knowledge, except 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 27th day of May, 1932.

Julia F. Town

A. A. Lippmeyer
A. A. Lippmeyer.

Notary Public, Stearns County, Minn.
My commission expires Feb-12th-1937.

STATE OF MINNESOTA.
COUNTY OF STEARNS. SS.
IN PROBATE COURT.

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

AMENDMENTS OF FINAL ACCOUNT.

Filed May 27th, 1932.

J. B. Arnold
Probate Judge-Clerk.

152081000

STATE OF MINNESOTA)
COUNTY OF STEARNS)

ss.

IN PROBATE COURT.

In the Matter of the Estate of
ERWIN E. TOWN, Deceased.

RENUNCIATION OF WILL BY SURVIVING SPOUSE.

I, Julia F. Town, surviving wife of Erwin E. Town, the above named decedent, hereby renounce and refuse to accept the provisions made for me in the last will of said decedent, dated January 8th, 1929, and admitted to probate by this Court on January 9th, 1931, and elect to take my share of his estate under the statutes of descent and distribution.

Dated at St. Cloud, Minnesota, this 13th day of May, 1931.

Julia F. Town.

STATE OF MINNESOTA)
COUNTY OF STEARNS)

ss.

On this 13th day of May, 1931, before me personally appeared Julia F. Town, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

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

8927

STATE OF MINNESOTA)
COUNTY OF STEARNS) ss.

IN PROBATE COURT.

In the Matter of the Estate
of ERWIN E. TOWN, Deceased.

RENUNCIATION OF WILL BY
SURVIVING SPOUSE.

Filed this 13th day of
May, 1931.

Jacob A. Lahn
Clerk

000180253

CITATION FOR HEARING ON FINAL ACCOUNT AND FOR DISTRIBUTION
State of Minnesota, County of Stearns
—ss. In Probate Court.

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 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 27th day of May, 1932, 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 4th day of May, 1932.
(Seal)

J. B. HIMSL,
Judge of Probate.

J. B. PATTISON,
Attorney for Petitioners,
St. Cloud, Minn.
8-6-12-19

STATE OF MINNESOTA, } ss.
COUNTY OF STEARNS.

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. on 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 2 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 5th day of May, 1932, and was printed and published in said newspaper on each and every Thursday thereafter until and including Thursday the 19th day of May, 1932.

That during all the times aforesaid, said newspaper was qualified as a medium of official and legal publications as required by sections 2 and 4 of chapter 434, Session Laws of Minnesota, 1921, and that it has complied with all the requirements that constitute a legal newspaper as defined in said sections 2 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 short 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 2 of Chapter 434, 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 434, 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 20th day of May, 1932.

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

My Commission expires 10/1/37.

00010254

89-77

**Printer's Affidavit of
Publication**

in the

**T. 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 21st DAY
OF May A.D. 1932

Jacob A. Lahr
Clerk of Probate

00040255

STATE OF MINNESOTA }
COUNTY OF STEARNS }

ss.

IN PROBATE COURT.

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

P E T I T I O N

Your petitioner respectfully represents and shows to the Court:

1. That your petitioner is the Executor of the Last Will and Testament of Erwin E. Town, deceased, under letters testamentary, duly issued to her by the abovenamed Court, which letters of authority are now in full force and effect.

2. That on October 8th, 1928, said decedent, being then the owner of the following described real estate in Stearns County, to-wit: Lots 15, 16, 17, 18, 19, and 20, in Block 8, in Cottage Place Addition, to St. Cloud, sold the same to James Brown of St. Cloud, Minnesota, under contract for deed, dated on said day, for a consideration of \$1500.00 to be paid for in instalments of \$20.00 per month.

3. That on May 21st, 1930, the said James Brown then in possession of said real estate under said contract for deed, commenced the construction of a house on said lot 17, with the consent and approval of decedent, and purchased necessary material from Mathew Hall for the sum of \$802.67, of which \$400.00 was paid by decedent, and the said Mathew Hall filed a lien against said property for the balance of his claim; and that on October 7th, 1931, with the approval of the Probate Court, your petitioner paid the said Mathew Hall lien, amounting to \$288.15, and took a second mortgage on said property from the said James Brown and his wife; that during the construction of said house, F. A. Axell performed labor and furnished material for wiring and installing electric fixtures in the dwelling house so constructed and on December 5th, 1930, filed a mechanic's lien against said property for the sum of \$97.00 and now threatens to commence proceedings to foreclose said lien.

4. That during the construction of said dwelling house and during the time the said F. A. Axell was furnishing material and performing labor for said improvements, decedent conveyed said real estate to the said James F. Brown and took back a mortgage for \$1950.00 for the unpaid portion of the purchase price, which amount also included \$400.00 decedent paid to the said Mathew Hall; that said conveyance and mortgage were both made on September 8th, 1930, at which time said improvement was being made and was not yet completed; and your petitioner is advised that the said mortgage for \$1950, held by this estate is subject and inferior to the claim of lien of said F. A. Axell, and that if such foreclosure proceedings are instituted and the said F. A. Axell to foreclose said mechanic's lien, considerable expense will be added to the amount of said lien, and that this estate will be required to pay the same, together with the amount of said lien in order to protect its said mortgages; that the amount required to pay and discharge the lien of the said F. A. Axell is the sum of \$99.00; that the said James Brown is unable to pay said claim of F. A. Axell; that the above described real estate and the improvements thereon is fairly worth considerable more than the aggregate of the mortgages now held by this estate, plus the amount for the claim of the said F. A. Axell.

WHEREFORE, Your petitioner prays that the Court authorize your petitioner to pay out of the funds of the estate of said decedent the sum of \$99.00, due and owing the said F. A. Axell on his said lien claim, and that your petitioner be authorized to take a third mortgage on the above described real estate for the sum of \$99.00, said mortgage to be payable on demand and to bear interest at the rate of six per cent per annum.

Dated at St. Cloud, Minnesota, this 1st day of December, 1931.

Julia F. Town
Petitioner.

STATE OF MINNESOTA }
 } ss.
COUNTY OF STEARNS }

Julia F. Town, being first duly sworn, says that she is the representative of the above estate of Erwin E. Town, deceased, and is the person who made and subscribed the foregoing petition; that she has read the foregoing petition 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
1st day of December, 1931.

A. A. Lippseyer
A. A. LIPPSLEYER,
Notary Public, Stearns County, Minnesota.
My commission expires Feb. 12, 1937.

STATE OF MINNESOTA)
COUNTY OF STEARNS)

ss.

IN PROBATE COURT.

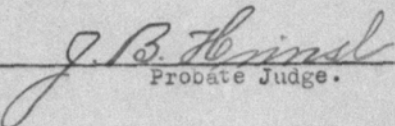
In the Matter of the Estate of
Erwin E. Town, Deceased.

ORDER.

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 sum of \$99.00 due and owing F. A. Axell on his mechanic's lien made and dated December 5th, 1930, and duly recorded in the office of the Register of Deeds of Stearns County, Minnesota, upon lot 17, in Block 8, in Cottage Place Addition to St. Cloud, which lien is paramount to two mortgages, one for \$1950.00 and one for \$288.15 held by this estate upon said described real estate and other lands, and further praying that said representative be authorized to take a mortgage from the said James F. Brown and wife upon the real estate described in the petition herein for the sum of \$99.00, 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 the said Julia F. Town representative of estate, is hereby authorized to pay to F. A. Axell the amount of his lien against said real estate, and that said representative is hereby authorized to take from said James F. Brown and wife a mortgage upon the real estate described in the petition herein for the sum of \$99.00 due on demand bearing interest at the rate of six per cent per annum; said mortgage to be a third lien on said real estate, subject only to the mortgages now held by said estate thereon.

Dated at St. Cloud, Minnesota, this 1st day of December, 1931.


Probate Judge.

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 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 27th day of May 19 32 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 4th day of

May 19 32



J. B. Pattison
Judge of Probate

J. B. Pattison
Attorney for Petitioner.
St. Cloud, Minn.

000180259

8927

State of Minnesota,

County of Stearns

PROBATE COURT

In the Matter of the Estate of

Erwin E. Towne

Citation for Hearing on Final Account
and Distribution

Filed this 4th day of

May, 19 32

Jacob A. Loh
Clerk—Judge of Probate.

No. 3651*

5-27-32

Towne

000180260

RECEIPT

RECEIVED from Joseph B. Himsl, Judge of Probate of
Stearns County, Minnesota, ^{two}~~one~~ certain promissory notes dated
Dec 12-29-22 made by the Monumental Sales and Mfg. Co.,
for the sum of One Hundred Dollars,
and payable to the order of Lettie L. Hansen.
This note was left with the Probate Court of Stearns County
by the representative of the E. E. Town estate.

Dated this 4th day of June, 1932.

Lettie L. Hansen
By J. D. Sullivan
her atty

RECEIPT

RECEIVED from Joseph B. Himsl, Judge of Probate of
Stearns County, Minnesota, ^{two} ~~one~~ certain promissory notes dated
Dec 2-29 1924, made by the Monumental Sales and Mfg. Co.,
for the sum of Seven Hundred Dollars,
and payable to the order of Marion D. Town.
This note was left with the Probate Court of Stearns County
by the representative of the E. E. Town estate.

Dated this 4th day of June, 1932.

Marion D. Town
By J. J. Sullivan
his atty

000480262

VERIFICATION.

STATE OF MINNESOTA)
COUNTY OF STEARNS) ss.

Julia F. Town, being duly sworn, on oath says that she is the representative of the estate above specified, that she has read the foregoing inventory subscribed by her and knows the contents thereof, and that the same is true of her own knowledge, save 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 10th day of July, 1931.

A. A. LIPPSMEYER,
Notary Public, Stearns County, Minnesota,
My commission expires February 12, 1937.

CERTIFICATE OF APPRAISERS.

STATE OF MINNESOTA)
COUNTY OF STEARNS) ss.

We, the undersigned appraisers duly appointed by the probate court of Stearns County, Minnesota, to appraise the estate of Erwin E. Town, decedent, having first duly taken and subscribed the oath prescribed by law and hereto annexed, hereby certify and return, that we have carefully examined and considered the inventory of said estate delivered to us by the representative of said estate and the property therein described, and have faithfully and impartially and to the best of our knowledge and ability appraised the said property, and set down opposite each item thereof in figures the value thereof in money, and have foisted up by itself the amount and value of each class of said property, and of the whole of said estate.

Dated at St. Cloud, Minnesota, this 15th
day of July, 1931.

J. E. Kinsella
R. H. Colligan
Appraisers.

Correction in Schedule No.3, page 12	2.44
Correction in Schedule, page 16	<u>12.63</u>
Total Receipts	\$58,308.88

DISBURSEMENTS.

Selected by surviving widow of deceased	\$ 950.00
Maintenance of family	1800.00
Expenses of Administration	2802.95
Expenses of last sickness	702.00
Taxes	415.02
Claims of creditors of decedent	1078.02
Legacies	24000 .00
Schedule No.2, page 12, correction	259.20
" No.2, page 13, correction	28.80
" No.6, page 14, correction	4.50
" No.6, page 14, correction on repairs	34.65
" No.5, page 13, correction	3.06
" No.7, page 15, correction	3.45
Correction Amended Final Account, page 5, on taxes	<u>193.66</u>
Total Disbursements	\$32,065.31
	<u>26,241.55</u>
Residue on hand for distribution	
Total credits	\$58,308.88

Third- That all taxes, including personal property tax, assessed against said estate, have been paid so far as there were funds of said estate to pay the same.

Fourth- As a conclusion from the foregoing facts, IT IS HEREBY ORDERED, that said account, as adjusted by the court, be, and the same hereby is, settled and allowed as and for the final account of said representative of said estate.

Dated at St. Cloud, Minnesota, this 27th day of May, 1932.

By the Court:


Judge of Probate.

STATE OF MINNESOTA
COUNTY OF STEARNS

IN PROBATE COURT

} SS

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

H.H.Perry, as Special Administrator
of the estate of Mollie N. Town,
Deceased, Petitioner

-vs-

PETITION FOR
ACCOUNTING

Julia F. Town as executrix of
the estate of Erwin E. Town Deceased
and Julia F. Town, Ella M.
Repulski, Marion D. Guptill, Mabel
A. Carlson, Lettie L. Hanson and
Allen E. Town Respondents

To the Honorable Judge of the Probate Court in and for
the County of Stearns and State of Minnesota.

Your petitioner represents and shows the Court;

That one Mollie N. Town died intestate, a resident of
Spring Valley Township, in Dickey County, North Dakota on the
16th day of March, A.D.1908, leaving surviving her as heirs at
law, Erwin E. Town surviving husband, and Ella M Town now
Ella M. Repulski, Marion D. Town now Marion D. Guptill, Mabel
A. Town now Mabel A. Carlson, Lettie L. Town now Lettie L.
Hanson and Allen E. Town, then minor children of the said
Mollie N. Town deceased.

That thereafter on the 20th day of April, A.D.1908 such
proceedings were duly had in the County Court of Dickey
County, North Dakota, that the above named Erwin E. Town was
appointed as the administrator of the estate of said Mollie N.
Town Deceased and duly qualified as such administrator, and
that ever since that date and untill his death on the 8th
day of December, A.D.1930 the said Erwin E. Town was the duly
appointed, qualified and acting Administrator of the estate of
said Mollie N. Town Deceased, that Letters of Administration as
such administrator were duly issued to said Erwin E. Town by said
Court on the 20th day of April, 1908.

That as such administrator of the estate of Mollie N.
Town Deceased the said Erwin E. Town did on the 23rd day of
February, A.D.1909 sell certain lands belonging to the estate
of said Mollie N. Town Deceased lying and being in the
County of Dickey and State of North Dakota, and did receive therefor
the sum of \$8,000.00 and that as such administrator he did
immediately after his appointment receive and collect from
the Manhattan Life Insurance Company, the sum of \$1000.00
in payment of the amount due upon a life insurance policy,
issued to the said Mollie N. Town in her lifetime, and payable
to the estate of the said Mollie N. Town upon her death, and said
Erwin E. Town did soon after his appointment as such administrator
receive and collect from the Royal Neighbors of America, an
insurance corporation, the sum of \$1000.00 in payment of a life
insurance policy issued to the said Mollie N. Town in her
lifetime, and payable upon her death to her above named children.

That in all there came into the hands of the said Erwin
E. Town as Administrator of the estate of said Mollie
N. Town the sum of \$10,000.00 which said sum was in the hands

of the said Erwin E. Towne from the 23rd day of February, A.D.1909 until his death on the 8th day of December, A.D.1930.

That at no time did the said Erwin E. Towne as the administrator of the estate of the said Mollie N. Towne render to the County Court of Dickey County, North Dakota, an accounting or report of his administration of the estate of the said Mollie N. Towne, Deceased, and no distribution of the funds belonging to the estate of the said Mollie N. Towne in the hands of the said Erwin E. Towne as administrator of her estate was ever ordered by the County Court of Dickey County, North Dakota and no distribution of the 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 the administrator of the estate of Mollie N. Towne for his own personal use, and invested and reinvested 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 the estate of the said Mollie N. Towne, he accumulated a large amount of money and property, all of which belonged to the estate of the said Mollie N. Towne, Deceased.

That by order of the County Court of Dickey County, North Dakota made on the 28th day of July, A.D.1931, the above named petitioner was duly appointed as the Special Administrator of the Estate of Mollie N. Towne, Deceased, and duly qualified as such Special Administrator and he is now the duly appointed, qualified and acting Special Administrator of the Estate of said Mollie N. Towne, Deceased; that Letters of Administration as such administrator were duly issued to said H. H. Perry by said court on the 28th day of July, 1931.

That ever since the 8th day of December, A.D.1930 the date of the death of the said Erwin E. Towne there has been no administrator of the estate of the 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 the petitioner herein could not and did not take notice of the fact of the death of the said Erwin E. Towne nor of the fact that his estate was in the course of probate in the above entitled Court, nor of the fact that a Notice to Creditors had been published by the executrix of the said estate nor of the expiration of the date within which the claim of the estate of the said Mollie N. Towne might be filed against the estate of the said Erwin E. Towne, Deceased.

WHEREFORE, the above named petitioner prays that all further proceedings in the probate of the estate of the said Erwin E. Towne be stayed until after a hearing upon this petition.

That upon said hearing the executrix of the estate of the said Erwin E. Towne, deceased be ordered and required to account to the petitioner as the Administrator of the estate of Mollie N. Towne, Deceased for the sum of \$10,000.00 and the interest and profits thereon from and after the 23rd day of February, A.D.1909.

That the time for filing claims against the estate of the said Erwin E. Towne be extended as to this petitioner, and that this petition be filed as a claim against the said estate, and be allowed by the Court as such.

J. L. Guinn & W. H. Guinn
Attorney for Petitioner

STATE OF NORTH DAKOTA

COUNTY OF DICKEY

{ SS

C. A. W. Lush
Ellendale, N. Dak.
Of Counsel

H. H. Perry, being first duly sworn, upon oath deposes and says that he is the special administrator of the estate of

Mollie N. Towne Deceased, that he has read the foregoing petition and knows the contents thereof, that he is informed and verily believes that the facts set forth therein are true, and from such knowledge, information and belief he states them to be true.

W. H. Perry

Subscribed and sworn to before me this 28th day of July, 1931

(SEAL)

E. M. Whipple
Notary Public, Dickey County, N. Dak.
My commission expires July, 1st, 1937

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

IN PROBATE COURT.

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

P E T I T I O N

To the Honorable The Probate Court of
Stearns County, Minnesota:

Comes now Julia A. Town, Representative of the Estate of said decedent, and states and represents that in the proper defense of the interests of the estate against the claims filed thereagainst by H. H. Perry, Administrator of the Estate of Mollie N. Town for \$9000.00, and the further claim of Allen E. Town, et al, for \$1000.00, she has heretofore secured the services of Attorney R. B. Brower, of St. Cloud, Minnesota, together with her attorney of record, John B. Pattison, and is desirous of continuing same, and asks the Court for an order authorizing and confirming said engagement of the services of said Brower.

WHEREFORE, Your petitioner prays that an appropriate order be entered herein granting this petition.

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

Respectfully submitted,

Julia F. Town
Representative and Petitioner.

STATE OF MINNESOTA, }
County of Stearns } ss.

JULIA A. TOWN, being first duly sworn on oath, deposes and says, that she is the Representative of the Estate of E. E. Town, decedent, above named, and the petitioner within named; that she has read the foregoing Petition and knows the contents of same, and that the same is true, 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 16th day of December, 1931.

Jacob A. Lahr Julia F. Town

CLERK OF THE PROBATE COURT
STEARNS COUNTY, MINNESOTA.

000000268

STATE OF MINNESOTA, }
County of Stearns } ss.

IN PROBATE COURT.

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

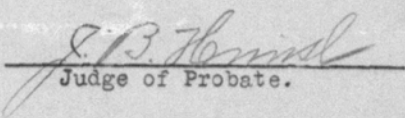
ORDER OF COURT.

Upon the proceedings heretofore had in said matter,
and upon the annexed petition of Julia A. Town, Representative
of said estate,

IT IS HEREBY ORDERED, That said Julia A. Town, as
representative, be, and she is hereby, authorized and empower-
ed to engage the services of Attorney R. B. Brower, of St.
Cloud, Minnesota, as additional counsel in said cause in
the defense of said estate against the claims referred to
in the annexed petition, and that all of her acts in that
behalf, as set forth in the annexed petition, are hereby
approved and confirmed.

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

BY THE COURT:



Judge of Probate.

No. 8927

State of Minnesota
STEARNS COUNTY
PROBATE COURT

ESTATE OF

Erwin E. Town

Deceased.

ORDER ALLOWING FINAL ACCOUNT.

Filed this 27th day of
May, 1932, and recorded in
Book.....on page.....

Jacob A. Lohr
Clerk of Probate.

No. 8927

State of Minnesota
STEARNS COUNTY
PROBATE COURT

ESTATE OF

Erwin E. Town

Deceased.

ORDER ALLOWING FINAL ACCOUNT.

Filed this 27th day of
May, 1932, and recorded in
Book 46, on page 37.

Jacob A. Loh
Clerk of Probate.

000180271

8927

STATE OF MINNESOTA
COUNTY OF STEARNS

IN PROBATE COURT.

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

ORDER.

Filed this 5th
Oct. 31
Jacob D. Lahr
Recorded in Book
'61' of Orders, on
page 543.
J. B. PATTISON
Attorney for Petitioner.
LAWYER
ZAPP STATE BANK BUILDING
ST. CLOUD, MINNESOTA

The Tuttle Law Print, Publishers, Rutland, Vt.

00040272

8927

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.

FILED IN S. 22nd
OF Sept. A.D. 1931
Jacob A. Lohr
Clerk of Probate

000000273

8927

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 FOR
FILING OF CLAIM OF ALLEN
E. TOWN, ET AL.

FILED JRS 22nd

OF Sept. A.D. 1931

Jacob A. Lahr
Clerk of Probate

000180274

8927.

STATE OF MINNESOTA. SS.
COUNTY OF STEARNS.
IN PROBATE COURT.

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

FINAL ACCOUNT & PETITION
FOR SETTLEMENT.

Filed this 22nd day of
July, A. D. 1931.

Jacob A. Lake
Clerk of Probate.

J. B. PATTISON
LAWYER

ZAPP STATE BANK BUILDING
ST. CLOUD, MINNESOTA

The Tuttle Law Print. Publishers, Rutland, Vt.

000180225

STATE OF MINNESOTA
COUNTY OF STEARNS
IN PROBATE COURT

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

FILED THIS 1st DAY

OF July A.D. 1922

Jacob A. Laly
Clerk of Probate

BRIEF OF CLAIMANTS

Service hereof is
hereby admitted
by the Leg. of
Hoy, M. B. Patton
R. H. Brown
Attys for Executrix

J. D. SULLIVAN
HENRY H. SULLIVAN
ST. CLOUD, MINNESOTA

Attorney for Claimants.

The Tuttle Law Print, Publishers, Rutland, Vt.

000000226

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 CLAIM OF H. H. PERRY,
ALLEGED ADMINISTRATOR OF THE
ESTATE OF MOLLIE N. TOWN, DECEASED.
.....

Filed Dec. 16, 1931

*J. R. Arnold
Judge of Probate*

000480277

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

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.
.....

Filed December 16 1931
J. B. Hennish
Judge of Probate

8927

STATE OF MINNESOTA
COUNTY OF STEARNS

IN PROBATE COURT.

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

ORDER.

Filed this

2nd day

of

Dec.

A. D. 1921

Jacob A. Lake
Clerk of Probate

Recorded in Book
"61" of Orders on page
616.

J. B. PATTISON

LAWYER

ZAPP STATE BANK BUILDING
ST. CLOUD, MINNESOTA

The Tuttle Law Print, Publishers, Rutland, Vt.

000100279

8927.
STATE OF MINNESOTA)
COUNTY OF STEARNS) ss.

IN PROBATE COURT.

In the Matter of the Estate
of ERWIN E. TOWN, Decedent.

INVENTORY AND APPRAISEMENT.

Total Personal \$ _____

Total Real Estate \$ _____

Total appraisement \$ _____

Filed this 15th day of

July, 1931.

Grace A. Lake
Clerk of Probate Court.

J. B. PATTISON,
Attorney in said estate,
St. Cloud, Minnesota.

000480280

state of death.
Dec 8/30.

000100281

(ORIGINAL)

STATE OF MINNESOTA
COUNTY OF STEARNS
IN DISTRICT COURT

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

CITATION AND ORDER

et
Rept. *31*
Jacoba Lahn

J. D. SULLIVAN
HENRY H. SULLIVAN
ST. CLOUD, MINNESOTA

Attorney for Allen E. Town, et al.

The Tuttle Law Print, Publishers, Rutland, Vt.

000000282

No. 8927

ORIGINAL

MINNESOTA
STATE OF NORTH DAKOTA
COUNTY OF ~~BURKE~~
STEARNS

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

PETITION FOR ACCOUNTING

VS.

Due and personal service of the within.....

by copy is hereby admitted this.....

day of.....192.....; at

Ellendale, North Dakota.

Attorney... for.....

N. D.

FILED THIS 3rd DAY
OF Aug A.D. 1931

Jacob A. Lahr
Clerk of Probate

G.A. WHIPPLE & PERRY

Attorneys for Petitioner

ELLENDALE, NORTH DAKOTA

*Hearing Aug 21, 1931
Personal Service to be
made before Aug 7, 1931.*

000480283

8927

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

IN PROBATE COURT.

* * * * *

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

* * * * *

PETITION and ORDER OF COURT.

* * * * *

Filed this 16th day
of Dec. A.D. 1903
Jacob A. Lahr
Clerk of Probate

Recorded in Book
61 of Orders, on
page 617.

R. B. BROWER,
ST. CLOUD, MINNESOTA.

000180284

(Original)

STATE OF MINNESOTA
COUNTY OF STEARNS
IN DISTRICT COURT

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

CITATION AND ORDER

FILED 1st
Sept. 31
Jacob A. Lahn

J. D. SULLIVAN
HENRY H. SULLIVAN
ST. CLOUD, MINNESOTA

Attorney for H. H. Perry, as Adminis-
trator of Mollie N. Town Estate.
The Tuttle Law Print, Publishers, Rutland, Vt.

800480285

STATE OF MINNESOTA
COUNTY OF STEARNS
IN PROBATE COURT.

cc. 8927

ORIGINAL

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

FINAL ACCOUNT AND PETITION
FOR SETTLEMENT.

ORIGINAL

FILED THIS 4th DAY
OF May A.D. 1932

Jacob A. Lahr
Clerk of Probate

J. B. PATTISON,
Attorney in said Estate,
St. Cloud, Minnesota.

00010286

No 8927.

STATE OF MINNESOTA
County of Stearns

PROBATE COURT

In the Matter of the Estate of

Erwin E. Tolon
Decedent

Transcripts from
County Court
of Sickey County
N.D.

Filed this 27th day
of Aug. 1931
Jacob A. Lahr
Clerk of Probate

000180287

8927

STATE OF MINNESOTA) ss
COUNTY OF STEARNS)

IN PROBATE COURT.

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

#####

P E T I T I O N .

#####

Filed this 5th
of October 1904
Jacob A. Lohr

J. B. PATTISON
LAWYER

ZAPP STATE BANK BUILDING
ST. CLOUD, MINNESOTA

The Tuttle Law Print, Publishers, Rutland, Vt.

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8924

STATE OF MINNESOTA
COUNTY OF STEARNS,
IN PROBATE COURT.

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

P E T I T I O N .

Filed this 2nd day
of Dec A. D. 1931

Jacob A. Fahn
Clerk of Probate

J. B. PATTISON
LAWYER

ZAPP STATE BANK BUILDING
ST. CLOUD, MINNESOTA

The Tuttle Law Print, Publishers, Rutland, Vt.

000480289