



[Stearns County \(Minn.\)](#)
[Probate Court: Probate case](#)
[files and index.](#)

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

13,354

State of Minnesota, } ss.
County of Stearns }

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

John M. Bartholemy
Decedent.

Petition for Administration

TO THE PROBATE COURT ABOVE NAMED:

Your Petitioner, Catharine Bartholemy
respectfully represents and states to the Court:

First—That your Petitioner is a resident of St. Cloud
in the County of Stearns State of Minnesota, and is an adult who has an
interest in whatever estate the decedent above named may have left at the time of his death, to-wit:
surviving spouse

Second—That said decedent was born in the County of Stearns
and died at Hennepin County, State of Minnesota on the
22th day of May, 1944, aged 56 years and was
at the time of his death a native of U. S. A.,
and a citizen of the County of Stearns, and a
resident of St. Cloud R. R. County of Stearns, State of
Minnesota, and was the owner of estate in the County of Stearns
State of Minnesota, at the time of his death.

Third—That said decedent died without leaving a last will and testament.

Fourth—That said estate of decedent, at the time of his death, included personal property of the probable
value of \$ 2000⁰⁰, divided as follows:

- | | |
|---------------------------------------|---------------------------|
| 1. Household Goods, \$ | 2. Wearing Apparel, \$ |
| 3. Stock, & Hdy \$ 2000 ⁰⁰ | 4. Notes, Bonds, etc., \$ |
| 5. Miscellaneous, \$ | 6. \$ 5000 ⁰⁰ |

That said estate included real estate of the estimated and probable value of \$ 5000⁰⁰ consisting
principally of lands in the County of Stearns, State of Minnesota, described as
follows, to-wit:

1. Homestead in Stearns County, Minnesota, as follows:

A. City Property
(Give Area) \$

(or)

B. Rural Property
110 acres \$ 5000⁰⁰
(Give Area)

2. Real Estate other than Homestead:

A. City Property	Lots without Buildings	\$
City Property	Lots with Buildings	\$
B. Rural Property	Acres improved land	\$
Rural Property	Acres unimproved land	\$

Fifth—That the probable amount of the debts of decedent is \$ 2500⁰⁰

0029 0973

State of Minnesota,

File No.

County of Stearns

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Affidavit of Mailing of Order for Hearing

John N. Barthelmy,

On Petition for Administration

Decedent.

Limiting time to file claims & for hearing thereon.

On Hearing for Administration or Probate of Will mail two copies of order to the Commissioner of Taxation and
If decedent was not born in the United States, mail one copy to Foreign Consul or Secretary of State.

State of Minnesota,

County of Stearns

Josephine Bursch, stenographer employed

by Quigley, Donohue & Quigley,

being first duly sworn on oath deposes and says that on

the 4th day of August, 1944,at St. Cloud, in said County and State he mailed two copies of the Order hereto attached

in the above entitled matter, to

Commissioner of Taxation and one to
(Commissioner of Taxation)

(Secretary of State or Foreign Consul)

and to all the legatees and devisees and to all known Heirs-at-law of said decedent, at their last known address, after exercising due diligence in ascertaining the correctness of said addresses, by placing a true and correct copy thereof in a sealed envelope, postage prepaid and de-

positing the same in the U. S. mails at

St. Cloud, Minnesota
and addressed to the following named persons:

ATTACH COPY OF ORDER HERE

ORDER FOR HEARING ON PETITION FOR ADMINISTRATION, LIMITING TIME TO FILE CLAIMS AND FOR HEARING THEREON

STATE OF MINNESOTA, County of Stearns - In Probate Court, File No. 12,254.

IN RE ESTATE OF John N. Barthelmy, Decedent.

Catharine Barthelmy having filed herein a petition for general administration stating that said decedent died intestate and praying that Catharine Barthelmy be appointed administrator.

IT IS ORDERED, That the hearing thereof be had on Friday the 25th day of August, 1944, at nine o'clock A. M., before this Court in the probate court room in the court house in the City of St. Cloud, Minn., that the time within which creditors of said decedent may file their claims be limited to four months from the date hereof and that the claims so filed be heard on Friday, December 8, 1944, at nine o'clock A. M., before this Court in the probate court room in the court house in the City of St. Cloud, Minnesota, and that notice of this order be given by publication of this order in the St. Cloud News, a legal newspaper, and by mailed notice as provided by law.

Dated August 1st, 1944
(Probate Court Seal)

E. J. RUEGEMER

Probate Judge

QUIGLEY, DONOHUE & QUIGLEY

Attorneys for Petitioner,

St. Cloud, Minnesota.

8-3-16-17

NAME

STREET OR POST OFFICE

CITY

STATE

Commissioner of Taxation

St. Paul

Minn.

Mrs. Catharine Barthelmy R. F. D. # 3

St. Cloud

Minn.

Donald Barthelmy R. F. D. # 3

St. Cloud

Minn.

Violet Barthelmy 723-4th Str. North

St. Cloud

Minn.

Mrs. Adrian Opitz 723-4th Stre. North

St. Cloud

Minn.

Mrs. E. L. Justice 2702 Humbolt South

Minneapolis

Minn.

Mrs. Les Watson 1530 Oxford Street

Brooklyn 17,

New York

Subscribed and Sworn to before me this

4th

day of August, 1944

Notary Public,

County, Minn.

My commission expires

JAMES J. QUIGLEY

Notary Public, Stearns County, Minn.
My Commission Expires Mar 27, 1949

0029 0915

File No. 13,354

State of Minnesota,

County of Hearns

IN PROBATE COURT

In the Matter of the Estate of

John N. Barthelmy
Decedent.

AFFIDAVIT OF MAILING

Adm & Claims

Filed August 5, 19 44

Frank Herzog
Probate Judge - Clerk

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA
COUNTY OF STEARNS

SS.

Anton Volkmuth, being duly sworn, on oath says; that he is, and during all the times herein stated has been the printer and publisher of the newspaper known as St. Cloud News, and has full knowledge of the facts hereinafter stated; that for

more than one year prior to the publication therein of the Order For Hearing On Petition For Administration, Limiting Time To File Claims And For Hearing Thereon

ORDER FOR HEARING ON PETITION FOR ADMINISTRATION, LIMITING TIME TO FILE CLAIMS AND FOR HEARING THEREON
STATE OF MINNESOTA, County of Stearns — In Probate Court, File No. 13,354.

IN RE ESTATE OF John N. Barthelmy, Decedent.
Catharine Barthelmy having filed herein a petition for general administration stating that said decedent died intestate and praying that Catharine Barthelmy be appointed administrator.

IT IS ORDERED, That the hearing thereof be had on Friday the 25th day of August, 1944, at nine o'clock A. M., before this Court in the probate court room in the court house in the City of St. Cloud, Minn., that the time within which creditors of said decedent may file their claims be limited to four months from the date hereof and that the claims so filed be heard on Friday, December 8, 1944, at nine o'clock A. M., before this Court in the probate court room in the court house in the City of St. Cloud, Minnesota, and that notice of this order be given by publication of this order in the St. Cloud News, a legal newspaper, and by mailed notice as provided by law.

Dated August 1st, 1944.
(Probate Court Seal)

E. J. RUEGEMER
Probate Judge
QUIGLEY, DONOHUE & QUIGLEY
Attorneys for Petitioner,
St. Cloud, Minnesota.
8-3-10-17

hereinafter described, said newspaper was printed and published in the City of St. Cloud, in the County of Stearns, State of Minnesota, on Thursday of each week; that during all said time said newspaper has been printed in the English language from its known office of publication within the City of St. Cloud in the County of Stearns, State of Minnesota, from which it purports to be issued as above stated in column and sheet form equivalent in space to at least 450 running inches of single column, two inches wide; has been issued on Thursday of each week from a known office established in said place of publication and equipped with skilled workmen and the necessary material for preparing and printing the same; that during all said time in its makeup not less than twenty-five percent of its news columns have been devoted to local news of interest to the community it purports to serve; that during all said time it has not wholly duplicated any other publication, and has not been made up entirely of patents, plate matter and advertisements; has been circulated in and near its said place of publication to the extent of at least two hundred and forty (240) copies regularly delivered to paying subscribers and has entry as second class matter in its local postoffice; and that there has been on file in the office of the County Auditor of Stearns County, Minnesota, the affidavit of a person having knowledge of the facts, showing the name and location of said newspaper and the existence of the conditions constituting its qualifications as a legal newspaper.

That the Order For Hearing On Petition For Administration, Limiting Time To File Claims And For Hearing Thereon hereto attached

was cut from the columns of said newspaper, and was printed and published

therein in the English language, once each week, for three successive weeks;

that it was first so published on Thursday the 3rd day of

August 19 44, and thereafter on Thursday

of each week to and including the 17th day of August

19 44; and that the following is a printed copy of the lower case alphabet from

A to Z, both inclusive, and is hereby acknowledged as being the size and kind of

type used in the composition and publication of said notice, to-wit: Order For Hearing On Petition For Administration, Limiting Time To File Claims and For Hearing Thereon

abcdefghijklmnopqrstuvwxyz

Anton Volkmuth

Subscribed and sworn to before me this 18th day of August 19 44

Edward A. Kruchten

Notary Public, EDWARD A. KRUCHTEN County, Minnesota.

My Commission expires Stearns County, Minn. 19

0029 0411

13.354

STATE OF MINNESOTA }
County of Stearns }

PROBATE COURT
In the Matter of the Estate of
John H. Barthelmy
Decedent

Printers affidavit
Adm. Claims

FILED THIS 19th DAY
OF August A.D. 19 44
Frank Herzog
Clerk of Probate

0029 0978

State of Minnesota,
County of Stearns

IN PROBATE COURT,

IN THE MATTER OF THE ESTATE OF

John N. Barthelemy

Decedent.

Order Granting Administration

The petition of Catharine Barthelemy praying that letters of administration upon said estate be granted to Catharine Barthelemy came duly on for hearing at a special Term of this Court, held on the 25th day of August 19 44. Said petitioner appeared in person and by attorneys, Quigley, Donohue & Quigley, and no one appeared in opposition.

The Court having duly considered said petition and the evidence adduced in support thereof, finds as follows:

First: That notice of said hearing has been given and served by the publication of the order for said hearing issued herein in the St. Cloud News, as by law and the order of this Court provided.

Second: That the said decedent died intestate on the 28th day of May, 19 44.

Third: That said decedent was a resident of St. Cloud, Route #3 at the time of his death and left estate within the County of Stearns and State of Minnesota, to be administered upon.

Fourth: That Catharine Barthelemy is by law entitled, a suitable and competent person, to administer upon said estate.

Therefore, It is ordered that said petition be granted and Catharine Barthelemy be and hereby is appointed administratrix of the estate of said decedent, and that letters of administration issue to her upon her filing the oath by law required and a bond in this Court in the penal sum of One Thousand and no/100 (\$1000.00) Dollars, with sureties to be approved by the Judge of this Court conditioned according to law.

By the Court,

Dated August 25th, 19 44

(Court Seal)

J. J. Quigley
Judge of Probate.

State of Minnesota,County of Stearns**Probate Court,**

In the Matter of the Estate of

John N. BarthelemyDecedent.**Order Granting Administration**Filed the 25th day ofAugust 1944Recorded in Book 75 of orderspage 175Frank Herzog
Clerk ~~Judge~~ of Probate.

State of Minnesota,

County of Stearns

ss.

IN PROBATE COURT

In the Matter of the Estate of

John N. Barthelemy

Decedent.

LETTERS OF ADMINISTRATION

Catharine Barthelemy

having filed in this Court his bond and oath to act as administrator of said estate, as by law provided;

Now therefore, the said Catharine Barthelemy

is hereby appointed administrator of the estate of John N. Barthelemy

decedent, with full powers and duties as follows:

First. To take possession of all the real and personal estate of the decedent which shall not be set aside for the surviving spouse or children of decedent and to collect all debts and claims due to said decedent.

Second. To receive the rents and profits of the real estate until the estate is settled or until delivered over by an order of the Probate Court to the heirs or persons thereunto entitled.

Third. To keep in tenantable repair all houses, buildings and fixtures of said real estate which may be under his control, and to pay all taxes legally levied on said real estate.

Fourth. To maintain any necessary action for the possession of said real estate or quieting title to the same.

Fifth. Within one month hereafter to make and return a verified inventory and appraisalment of all the real and personal estate of decedent which shall have come to his possession or knowledge.

Sixth. To pay the funeral expenses, and expenses of the last sickness and all just debts of said decedent that shall be proved and allowed herein, to settle and compound the same, and to make defense against any claims that are not just and proper to be allowed.

Seventh. To obey all orders of the Court herein and settle for and account for the property of the decedent within the time prescribed by the Court.

Dated September 15th, 1944 By the Court,



E. J. Rugemer
Judge of Probate.

IN PROBATE COURT

In the Matter of the Estate of

John N. Barthelemy

LETTERS OF ADMINISTRATION

Filed this 15th day of
September, 1944 and

recorded in Book of Letters
on page 229

Frank Herzog
Clerk-Judge of Probate.

No. 8517*

State of Minnesota,
County of _____ } ss.

IN PROBATE COURT

I, _____, Judge of the Probate Court, in and for said County, and State of said, do hereby certify that I have compared the within and foregoing paper writing with the original Letters of Administration in the matter therein entitled, now remaining of record in my office, and that the same is a true and correct copy of said original, and the whole thereof.

WITNESS, My hand and the seal of said Court, at _____ this

day of _____

, A. D. 19 _____

Judge of Probate.

State of Minnesota, }
County of Stearns } ss.

IN PROBATE COURT.

IN THE MATTER OF THE ESTATE OF

John N. Barthelmey
deceased.

BOND

Know All Men by These Presents, That we Catharine Barthelmy

of St. Cloud

in the County of Stearns State of Minnesota, as principal, and

C George C. Barthelmy and Violet Barthelmy

of said County and State,

as sureties, are held and firmly bound to Hon. E. J. Ruegamer

Judge of Probate of the County of Stearns , Minnesota, in the sum of

One Thousand and no/100 Dollars (\$1,000.00) - - - - - DOLLARS,

lawful money of the United States, to be paid to the said Judge of Probate or his successors in office for which payment, well and truly to be made, we bind ourselves, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bounden

Catharine Barthelmy , who has been appointed representative of the

estate of the above named John N. Barthelmy shall

well and faithfully discharge all the duties of his trust as representative of said estate according to law, then this obligation shall be void; otherwise it shall be and remain in full force and virtue.

Witness, Our hands and seals this 14th day of August Sept. , A. D. 1944

Signed, Sealed and Delivered in Presence of

[Signatures: Catharine Barthelmy, George C. Barthelmy, Violet Barthelmy, Cara Brown]
(SEAL) (SEAL) (SEAL) (SEAL)

ACKNOWLEDGMENT

State of Minnesota, }
County of Stearns } ss.

Be it Known, That on this 14th day of August Sept. A. D. 1944

personally appeared before me Catherine Barthelmy, Violet Barthelmy and

George C. Barthelmy

to me well known to be the same persons who executed the foregoing bond, and they severally acknowledged the same to be their free act and deed, and that they executed the same for the uses and purposes therein expressed.

[Signature: James J. Quigley]
Notary Public.
JAMES J. QUIGLEY
Notary Public, Stearns County, Minn.
My Commission Expires Mar 27, 1949

My Commission Expires , 193

County, Minn.

JUSTIFICATION

State of Minnesota,

County of Stearns

ss.

George C. Barthelemy

and VioletnBarthelemy

being duly sworn, each for himself, on oath says that he is a resident and freeholder of and in the State of Minnesota; that he justifies upon the foregoing bond as follows:

the said Geo. C. Barthelemy in the sum of Twenty- / Five Hundred Dollars
 the said Violet Barthelemy in the sum of One Thousand Dollars
 the said in the sum of Dollars
 the said in the sum of Dollars
 the said in the sum of Dollars

and that each respectively is worth double the sum in which he so justifies over and above his debts and other liabilities and exclusive of his property exempt from execution.

Subscribed and sworn to before me this

14th day of ~~August~~ Sept. A. D. 1944

Notary Public

County, Minn.

My Commission Expires

193

JAMES J. QUIGLEY
 Notary Public, Stearns County, Minn.
 My Commission Expires Mar 27, 1949

APPROVAL

I do hereby approve the within bond, this

15th

day of

September

A. D. 1944.

(Court Seal)

Judge of Probate.

O A T H

State of Minnesota,

County of Stearns

ss.

I, Catharine Barthelemy

do swear that I will faithfully and justly perform all the duties of the office and trust which I now assume as Representative of the estate of John N. Barthelemy to the best of my ability. So help me God.

Subscribed and sworn to before me this

14th

day of

~~August~~ Sept.

A. D. 1944.

Notary Public.

My Commission Expires

193

JAMES J. QUIGLEY
 Notary Public, Stearns County, Minn.
 My Commission Expires Mar 27, 1949

County, Minn.

State of Minnesota,

County of Stearns

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

John N. Barthelemy
 Decedent—Ward

BOND AND OATH OF
 REPRESENTATIVE

Filed this 15th day of September 1944

and said Bond recorded in Book 418 of Probate Records.

Frank K. H. 1944
 Clerk of Probate.

RM
A.R.
2/1/44

STATE OF MINNESOTA

COUNTY OF STEARNS

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

JOHN NICHOLAS BARTHELEMY (decedent)

PETITION AND AGREEMENT

Your petitioners respectfully show to the Court and allege::

1. That your petitioner, Cathryn Barthelemy,
is the duly appointed, qualified, and acting representative of the
Estate of the above named John Nicholas Barthelemy, ~~deceased~~, deceased.

2. That your petitioner, M. J. Hoffmann, is the duly appointed
and qualified Commissioner of Highways of the State of Minnesota, and
as such is authorized and empowered, by the Public Highway Act of Minn-
esota, to acquire for said State, by purchase or condemnation, all
necessary right of way needed in laying out and constructing trunk
highways within said State.

3. That said John Nicholas Barthelemy, ~~deceased~~, deceased,
is the record owner in fee of the following described premises situate
in Stearns County, Minnesota, to-wit:

All that part of the following described tract:

Northwest quarter of the southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of section
7, township 123 north, range 28 west;

which lies easterly of a line run parallel with and distant 50 feet west-
erly of the following described line:

Beginning at a point on the northerly boundary of the southeast
quarter (SE $\frac{1}{4}$) of said section 7, distant 1320.0 feet westerly of
the northeast corner thereof; thence run southeasterly at an
angle of 86°47' with said northerly boundary for a distance of
1400 feet and there terminating;

containing 1.49 acres, more or less.

Together with all grasses, shrubs, trees and natural growth now existing
on said lands or that may be hereafter planted or grown thereon.

0024 0485

4. That said Commissioner of Highways has heretofore, under the provisions of said Highway Act, by order designated trunk highway No. 15=24 and the route and location thereof; that the route of said trunk highway No. 15=24 passes across the premises hereinbefore described; and that said strip of land is desired and is to be taken by the State of Minnesota for public highway purposes.

5. That the amount agreed upon pursuant to Section 156 of Chapter 72, Laws of 1935, and to be paid by the State of Minnesota to said representative for the taking of said land and for the damages sustained thereby is the sum of Two hundred six and no/100 - - - - - dollars (\$ 206.00), and that said sum is the full value of the land to be so taken and includes all damages to the remainder of the lands of said John Nicholas Barthelmy and all damages sustained by reason of the location, grading, construction, maintenance and use of said highway over and upon, and the removal of materials from the premises to be conveyed and from the uses incident thereto, and includes the right to use and remove all earth and other materials lying with the parcel of land to be conveyed and the right to construct and maintain, upon land adjoining said parcel, such portable snow fences as the State of Minnesota may from time to time deem necessary.

6. That it is for the best interests of said estate and of all persons interested therein that said strip of land hereinbefore described be by said representative sold and conveyed to the State of Minnesota for highway purposes as hereinbefore set forth.

7. That your petitioners do and hereby agree that all the foregoing shall constitute and be an agreement between them in their respective official capacities, pursuant to Section 156 of Chapter 72, Laws of 1935.

WHEREFORE, Your Petitioners pray that the Court make its order approving the agreement herein set forth, and authorizing the representative to convey to the State of Minnesota the premises described herein.

✓ Cathryn Barthelmy
As Representative of the Estate
of John Nicholas Barthelmy

OK'd M. Hoffmann
As Commissioner of Highways of
the State of Minnesota

STATE OF MINNESOTA }
COUNTY OF STEARNS } ss.

Cathryn Barthelmy, being first duly sworn, says that she is the Representative of the Estate of John Nicholas Barthelmy, and one of the persons making and joining in the foregoing petition and agreement; that he has read said petition and agreement and knows the contents thereof; that the same is true.

Subscribed and sworn to before me

this 1st day of November, 1944.

[Signature]
Notary Public, Stearns County, Minn.
My Commission expires Mar 27, 1949

STATE OF MINNESOTA }
COUNTY OF RAMSEY } ss.

M. J. Hoffmann, being first duly sworn, deposes and says that he is the duly appointed and qualified Commissioner of Highways of the State of Minnesota and one of the persons making and joining in the foregoing petition and agreement; that he has read the same and knows the contents thereof; that the same is true, except as to those matters therein stated on his information and belief and as to such matters he believes them to be true.

Subscribed and sworn to before me

this 16 day of October, 1944.

M. McCauley
Notary Public, Ramsey County, Minnesota
My Commission Expires June 2, 1945

(SEAL)

13,354

STATE OF MINNESOTA
COUNTY OF STEARNS

IN PROBATE COURT.

IN THE MATTER OF THE ESTATE
OF John Nicholas Barthelemy,
Decedent.

PETITION.

Filed this 1st day of
November, 1944.

Frank Meszog
Clerk of Probate

0029 0988

RN
AR
7/71

STATE OF MINNESOTA
COUNTY OF STEARNS

IN PROBATE COURT

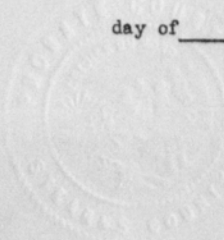
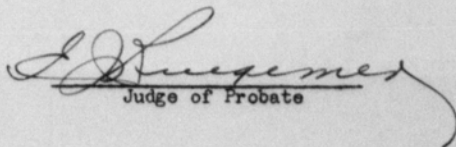
IN THE MATTER OF THE ESTATE OF
JOHN NICHOLAS BARTHELEMY (Decedent)

ORDER

The above matter having come duly before the Court on the
1st day of November, 1944, upon the petition of
the representative of the estate above named and of the State of
Minnesota, through M. J. Hoffmann, its Commissioner of Highways, for
the approval of an agreement made by said petitioners under date of
November 1st, 1944, conveying to the State of Minnesota
the lands in said agreement described, and it having been made to
appear to the Court that said agreement is just and equitable and
that it is for the best interests of said estate and of all persons
interested therein that the same be made and performed, and no one
appearing in opposition to said petition.

NOW, THEREFORE, It is hereby ordered that said agreement
which is hereto attached, be and the same hereby is approved.

Dated at St. Cloud, Minnesota, this 1st
day of November, 1944.



Judge of Probate

13,354

STATE OF MINNESOTA }
County of Stearns }

PROBATE COURT

In the Matter of the Estate of

John Nicholas Bartholmey
Decedent

Order

Filed This 1st Day of Nov
194 4, and Recorded in Book 23
on Page 440 thereof.

Frank Herzog
Clerk of Probate

0029 0990

State of Minnesota,

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of John N. Barthelmy Deceased.

To the Probate Court within and for the County of Stearns
in the State of Minnesota:

The Petition of Catherine Barthelmy
of the County of Stearns and State of Minnesota, respectfully shows
and states that she is the widow of John N. Barthelmy
late of the County of Stearns deceased. That said deceased died on the
28th day of May, 1944 That on the 15th
day of September, 1944, Letters of Administration upon the
estate of said John N. Barthelmy
were duly issued by this Court to Catherine Barthelmy
of said County of Stearns

That the said deceased left surviving, your petitioner, who is his widow, and the following named
children, viz.: Virginia age 29-- Violet Age 25--Dorothy age 24--
Lillian age 22--and Donald Barthelmy age 21 years.

none of
That said children all reside with your petitioner in the Twp of St. Augusta
of in the County of Stearns
State of Minnesota and that said children and your petitioner constitute the
family of said deceased.

That said family are wholly dependent upon said estate for their maintenance during the settle-
ment of said estate. That the sum of \$ 40 per month is a reasonable sum for the support
and maintenance of said family during the settlement of said estate.

Wherefore, Your petitioner prays that this Court issue its order allowing to said widow ~~and~~
constituting the family of said deceased the sum of \$ 40 per month during the
settlement of said estate.

Catherine Barthelmy

Dated Sept. 1st, A. D. 1944

State of Minnesota,

County of Stearns

Came personally before me Catherine Barthelmy and being
duly sworn doth depose and say: That she is the above named petitioner; that she has heard the fore-
going Petition read, and that the same is true of her own knowledge, except as to the matters therein
stated on information and belief, and as to those matters that she believes the same to be true.

Subscribed and sworn to before me this 1st day of September, A. D. 1944

My commission expires 19

Notary Public, Stearns County, Minn.
My Commission Expires Mar 27, 1949

No. 13,354

IN PROBATE COURT,

County of Stearns

In the Matter of the Estate of

John H. Bartelmy
Deceased.

Petition of Widow for Allowance
to Maintain Family During
Settlement of Estate

Filed this 6th day of

January, A. D. 1945

Frank Herzog
Clerk ~~Judge~~ of Probate.

State of Minnesota,

ss.

IN PROBATE COURT

County of Stearns

In the Matter of the Estate of

John N. Barthelemy

Decedent.

ORDER FOR MAINTENANCE OF FAMILY
OF DECEDENT

The above entitled matter came on for consideration by the Court, upon the petition of

Catherine Barthelemy, surviving spouse

of said decedent, praying that an allowance be made for the support and maintenance of his family, during the settlement of said estate.

Said Petitioner appeared in person and by attorneys, Quigley, Donohue and Quigley,

and the Court, having considered said petition, all the evidence produced for and against the same, the value and condition of said estate and the claims against the same so far as they can now be ascertained, and the circumstances and mode of life of said family, finds as follows:

FIRST—That the following named person constitute ^s the family of said decedent who are entitled to support and maintenance out of his estate pending settlement thereof, to-wit:

Catherine Barthelemy, said surviving spouse.

SECOND—That the sum of Forty and no/100 (\$40.00) Dollars per month is a reasonable and necessary sum for the support and maintenance of said family, during the settlement of said estate.

It is Therefore Ordered. That the sum of Forty and no/100 (\$40.00) Dollars per month be, and the same hereby is, allowed for the support and maintenance of said family during the settlement of said estate; that said allowance commence on the 15th day of September 1944, and continue thereafter until said estate is settled, or until otherwise ordered by the Court; provided, however, that in case said estate is, or shall be ascertained to be insolvent, said allowance shall continue only for one year from the date administration is granted upon said estate; and provided further, that said allowance shall not continue after the distributive share of the surviving spouse shall have been assigned to

It is Further Ordered. That the representative of said decedent pay over and deliver to Catherine Barthelemy each month, the sum hereby allowed for the purpose above specified, during the time herein limited.

Dated January 5th, 1945

[Signature]
Probate Judge

No. 13,354

IN PROBATE COURT

County of Stearns

In the Matter of the Estate of

John N. Barthelemy

Decedent.

Order for Maintenance of Family of
Decedent During Settlement
of Estate

Filed this 8th day of

January, A. D. 1945

Recorded in Book 2 of Orders on

page 51.

Frank Herzog
Clerk Judge of Probate.

4666 6200
0029 0994

State of Minnesota, }
County of Stearns } ss.

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

John N. Barthelemy

Decedent.

Order Appointing Appraisers

On all the files, records, and proceedings in said estate

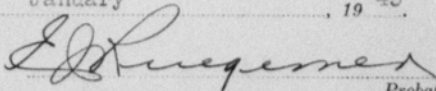
It is ordered that E. A. Barthelemy and

Geo. C. Barthelemy

be and they are hereby appointed appraisers, to appraise upon oath the estate of the said decedent according to law.

Dated this 6th day of January, 1945.

(PROBATE COURT SEAL)


Probate Judge.

No. 13,354

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

John N. Barthelemy

Decedent

Order Appointing Appraisers

Filed January 6th, 1945

Frank H. Hays

Probate Judge - Clerk.

0029 0996

State of Minnesota,

IN PROBATE COURT

County of Stearns

File No.

In the Matter of the Estate of

INVENTORY AND APPRAISAL

John N. Barthelmy

Decedent.

Date of Death, 19

OATH OF APPRAISERS

State of Minnesota,

County of Stearns.

I, E.A. Barthelmy, and

do solemnly swear that I will honestly, faithfully and impartially perform all the duties of the office and trust which I now assume as appraiser of the estate of

John N. Barthelmy

decendent to the best of my ability, So Help Me God.

Subscribed and sworn to before me this 6th

day of January, 1945

Notary Public, JAMES J. QUIGLEY, County, Minn.

My commission expires

(SEAL)

INVENTORY AND APPRAISAL

The undersigned representative of the estate of the above named decedent, represents and shows to the court—

That the following is a true and correct inventory of all the property of the above named estate, both real and personal, which has come into my possession and of which I have knowledge after diligent search and inquiry concerning the same, classified as follows, to-wit:

CLASS I—Real Estate:

(a) The homestead of decedent, being in the County of Stearns, State of Minnesota, consisting of 118 acres in area described as follows, to-wit:	Specify Encumbrances and Respective Amounts	Net Value Over Encumbrances
<p>The South West quarter of the North West quarter, the North half of the North half of the South West quarter, and the North West quarter of the South East quarter, less roadway, all in section seven (7), township 123 north, range 28 west.</p>	<p>2500⁰⁰ net</p>	<p>5,000</p>
<p>(b) All other real estate of decedent being in the County of Stearns, State of Minnesota, described as follows, to-wit:</p> <p>none</p>		<p>\$</p>

FORWARDED

	Specify Encumbrances and Respective Amounts	Net Value Over Encumbrances
<i>Brought Forward</i>		\$
<i>Total Net Value of Real Estate</i>		\$
Class II—Furniture and Household Goods:		
	\$	\$ 100
<i>Total Value of Furniture and Household Goods</i>		\$ 100
CLASS III—Wearing Apparel		
no value	\$	\$
<i>Total Value of Wearing Apparel</i>		\$
CLASS IV—Corporation Stock		
none	\$	\$
<i>Total Value of Stock</i>		\$

CLASS Mortgages, Bonds, Notes and other written Evidences of Debt: (Show encumbrances, if any)

[illegible]

CLASS IV—All other Personal Property:

[illegible]

SUMMARY

SUMMARY

The total value of all the real estate of decedent, as valued by the appraisers herein, is - \$ 5000.00
 The total value of all the personal property of decedent, as valued by the appraisers herein, is \$ 1000.00
 The total value of the entire estate of decedent, as valued by the appraisers herein, is - \$ 6000.00

Respectfully submitted, *John A. [Signature]*

The total value of all the personal property of decedent, as valued by the appraisers herein, is \$ 400.00

The total value of the entire estate of decedent, as valued by the appraisers herein, is - - \$ 5000.00

Respectfully submitted,

Catherine Barthelmy

Representative

Note: If estate is over \$10,000.00 or subject to Inheritance Tax, make this in triplicate and file in Probate Court.

VERIFICATION

State of Minnesota,

County of Stearns

Catherine. Barthelemy

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 a true and correct inventory of all of the estate of the decedent that has come to her possession or knowledge.

Subscribed and sworn to before me this 6th day of January, A. D. 1945

Notary Public, James J. Quigley, County, Minn. My commission expires 19

Catherine Barthelemy
Rep. Representative

CERTIFICATE OF APPRAISERS

State of Minnesota,

County of Stearns

We, the undersigned appraisers, duly appointed by the

Probate Court of Stearns

County, Minnesota, to appraise the estate of

John N. Barthelemy, 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 footed up by itself the amount and value of each class of said property, and of the whole of said estate.

Dated this 6th day of January, A. D. 1945

C. Barthelemy
Geo. C. Barthelemy
Appraisers

File No. 13,354

State of Minnesota,

County of Stearns

PROBATE COURT

In the Matter of the Estate of

John N. Barthelemy

Decedent.

Inventory and Appraisal

Total Personal	- \$ 1000 00
Total Real Estate	- \$ 5000 00
Total Appraised	- \$ 6000 00

Due service of the within inventory and appraisal is hereby admitted this

day of , 19

Deputy-Treasurer of County, Minnesota.

Filed this 9th day of January, A. D. 1945

Wm. R. Hays
Probate Clerk

Attorney.

STATE OF MINNESOTA

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

John N. Barthelmy

Decedent

INHERITANCE TAX RETURN

Date of death May 28, 1944

GENERAL INSTRUCTIONS

This return must be filed with the Probate Court, at or before the time of filing the inventory, by the representative of the estate of every person whose death occurred after April 20, 1939.

All questions must be answered. Where space is insufficient for giving the complete information required, separate sheets should be attached, appropriately marked and referred to by letter or number.

If the estate is, or may be, taxable the return must be made in duplicate and one copy must be delivered to the Commissioner of Taxation under the direction of the Probate Court.

Name and address of the attorney for the estate must appear on the face of the return.

Below appear excerpts from Chapter 338, Session Laws of Minnesota for 1939, amending Mason's Minnesota Statutes of 1927, Section 2295 and Section 2304, relating to Inheritance Tax Return.

"2295 (2). Every representative shall, at the time of filing the inventory as required by law, file with the Probate Court a return under oath, in such form as may be prescribed by the attorney general, of all property within his knowledge and the value thereof at the date of the decedent's death, (a) which the decedent has at any time transferred and which is or may be subject to an inheritance tax, (b) which the decedent held in joint tenancy, (c) which was subject to the exercise of a power of appointment by the decedent. The return shall also contain a list of all policies of insurance on the life of the decedent payable to named beneficiaries, and the amounts thereof, if the total amount thereof exceeds \$32,500."

"2304 (2). In all estates where it appears from the inventory, appraisal and return that an inheritance tax may be imposed, the representative shall, upon the filing thereof, under direction of the court, deliver a copy of each, and of the petition, and will, if any, to the attorney general."

(Note:—Chapter 431, Laws of Minnesota for 1939, transfers duties of attorney general relating to inheritance taxation to the Commissioner of Taxation.)

ALL QUESTIONS ON THIS PAGE MUST BE ANSWERED

INSTRUCTIONS FOR SCHEDULE I

Property held in Joint Tenancy

All personal property of every kind, wherever situated, and all real property situated in Minnesota, held in joint tenancy by the decedent and any other person or persons must be included in Schedule I. If the survivor furnished any part of the consideration the amount and nature of the consideration should be stated. If the property was acquired by the decedent and the survivor as joint tenants, by gift, bequest, devise or inheritance, that fact should be stated. The full value of the property held in joint tenancy should in all cases be given. *Identify the homestead, if any, as such.*

Did the decedent, at the time of his death, own any real or personal property as a joint tenant with the right of survivorship?

Ans. Yes or No.....No.....

INSTRUCTIONS FOR SCHEDULE II

Insurance and Annuities

Schedule II must state all life or accident insurance taken out by decedent and payable on the death of the decedent, to named beneficiaries, where the total amount of insurance payable to named beneficiaries exceeds \$32,500. Insurance payable to the estate of the decedent, whether by the terms of the policy or by reason of the death of the named beneficiary, should be included in Schedule II regardless of the total amount of the insurance payable to named beneficiaries. If any policy was payable only by installments state the terms of the policy with respect to the amount and duration of payments. Schedule all annuities owned by decedent which had a commuted or cash refund value on death.

1. Did the decedent, prior to his death, take out policies of life insurance, payable to named beneficiaries, aggregating in excess of \$32,500?

Ans. Yes or No.....No.....

2. Did the decedent, at his death, have any life insurance payable to his estate?

Ans. Yes or No.....No.....

3. Did the decedent at the time of his death own any annuities which had a commuted or cash refund value?

Ans. Yes or No.....No.....

INSTRUCTIONS FOR SCHEDULE III

Transfers by the Decedent

Schedule III must describe all property which the decedent has at any time transferred and which is, or may be, subject to an inheritance tax. This includes all transfers: (a) In contemplation of death; (b) Intended to take effect in possession or enjoyment at or after death; (c) In trust, where the income, or any part thereof, or the power of revocation, is reserved to the donor.

If the transfer was by deed, give the date of execution and of recording. If the transfer was in trust or to an insurance company for the purchase of an annuity, attach a copy of the instrument or contract and give the age and relationship of all beneficiaries.

1. Did the decedent make any transfer described in the foregoing instructions?

Ans. Yes or No.....No.....

2. Did the decedent, within two years immediately prior to his death, make any transfer of a material portion of his property, without adequate and full consideration in money or moneys worth, in trust or otherwise?

Ans. Yes or No.....No.....

3. Did the decedent, at any time, make a transfer of an amount of \$2500.00 or more, without an adequate and full consideration in money or moneys worth, which the representative believes is not subject to an inheritance tax?

Ans. Yes or No.....No.....

If the answer to question 3 is "Yes" state the date, description of property, value, character of transfer, and motive for making the transfer:

4. Were there in existence at the time of decedent's death any trusts created by him during his lifetime?

Ans. Yes or No.....No.....

INSTRUCTIONS FOR SCHEDULE IV

Powers of Appointment

Under Schedule IV should be stated all property which the decedent at any time held subject to a power of appointment vested in him either by will or by any other instrument. A copy of the instrument granting the power of appointment should be attached and also a copy of the instrument exercising the power of appointment, if not a will previously filed for probate. The return must include all property held subject to a power, whether or not the power was exercised.

If decedent at any time held property subject to a power of appointment prepare a schedule headed "Schedule IV" and give the following information: (1) Date of instrument creating power; (2) Type of instrument creating power; (3) Description of property; (4) Person to whom appointed and relationship to decedent; (5) Estimated value at date of death; (6) If real property county assessor's true and full value at date of death.

1. Did the decedent have power of appointment over any real estate in Minnesota or of any personal property?

Ans. Yes or No.....No.....

2. Did decedent exercise power of appointment?

Ans. Yes or No.....No.....

AFFIDAVIT

I, the undersigned representative of the estate of the above named decedent do hereby swear that I have carefully examined the foregoing return, including the separate sheets attached, if any, and that, to the best of my knowledge, information and belief, herein is listed all of the property required by law to be included in said return; that all questions have been truly answered; that I have no knowledge of any transfers required to be included in this return except as stated; and that to the best of my knowledge, information and belief the values shown in the foregoing schedules are the true and full values as of the date of the decedent's death; and that all statements made herein are true and correct.

(Signature) Mathew Barthelmy

(Address) St. Cloud, Minnesota

Subscribed and sworn to before me this

31st day of

August, 1945.

James J. Quigley
JAMES J. QUIGLEY

Notary Public, Stearns County, Minn.
My Commission Expires Mar 27, 1949

August 5, 1939.

Form approved by G. Howard Spaeth
Commissioner of Taxation of Minnesota
By Franklin B. Stevens, Director
Division of Inheritance and Gift Taxes

File No. 13,354

STATE OF MINNESOTA

County of Stearns

Re: Estate of

John N. Barthelemy
Decedent.

INHERITANCE TAX RETURN

Filed September 1st 1945
Frank Perry
Clerk of Probate Court.

Name Quigley, Donohue & Quigley

Address St. Cloud, Minnesota
Attorneys

0029 1004

State of Minnesota,
County of Stearns } ss.

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

John N. Barthelemy

Decedent.

ORDER ALLOWING FINAL ACCOUNT

The above entitled matter came on to be heard on the 28th day of September, 1945, upon the petition of the representative of the above named estate praying for the allowance of his final account and for distribution of the residue of said estate.

The said representative appeared in person and by her attorneys, Quigley, Donohue & Quigley, and no one appeared in opposition.

The Court, after due consideration of said petition, the evidence adduced in support thereof, and the files and records in said matter, finds the following facts:

First—That due notice of the said hearing of said petition has been given as required by law by the publication of the citation of this Court for said hearing, dated the 1st day of September, 1945, in the St. Cloud News, proof of publication of said notice of hearing and service by mail having been filed in this court.

Second—That the said final account set forth in said petition has been examined, adjusted and settled by the Court, and as so adjusted and settled, is hereby found to be correct; a summary statement of which account is as follows, to-wit:

RECEIPTS

Personal estate as described in the inventory	\$ 1000.00
Personal estate omitted from the inventory	\$
Gain by sales above appraised value	\$
Cash from sales of real estate	\$
Cash from rent of real estate	\$
Cash from interest and profits	\$
Cash from other sources	\$
Contributed by widow to close estate	\$ 465.65
	\$
Total receipts from all sources	\$ 1465.65

DISBURSEMENTS AND CREDITS

Estate selected for surviving spouse	\$ 500.00
Maintenance of family of decedent	\$ 440.00
Expenses of administration	\$ 92.40
Expenses of last sickness	\$ 35.00
Funeral expenses	\$ 353.50
Taxes	\$ 44.75
Claims of creditors of decedent	\$
Legacies	\$
	\$
	\$
Residue on hand for distribution	\$ none
Total credits	\$ 1465.65

Third—That all taxes, including personal property taxes, 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 September 28th, 19 45.

By the Court,

[Signature]
Probate Judge.

13,354

State of Minnesota,

County of Stearns

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

John N. Barthelemy

Order Allowing Final Account

Filed this 28th day of
September, 19 45, and
recorded in Book 88 of Orders
at Page 368

[Signature]
Clerk of Probate.

State of Minnesota,

County of Stearns

IN PROBATE COURT

File No. 13,354

In the Matter of the Estate of

John N. Barthelemy

Decedent.

Final Decree of Distribution

The above entitled matter came on to be heard on the 28th day of September 19 45, upon the petition of the representative of said estate for the distribution of the residue of said estate to the persons thereunto entitled.

The representative of said estate appeared in person and by attorney s, Quigley, Donohue and Quigley, and no one appeared in opposition thereto.

And the court having considered the evidence produced at said hearing, the arguments of counsel, and the files and records in said matter, finds the following facts:

FIRST—That notice of said hearing has been duly given and served as required by law and the order of this court for said hearing.

SECOND—That the said estate has been in all respects fully administered, and the expenses of the administration thereof and of the last sickness and burial of said decedent, and all claims allowed against said estate have been fully paid,

and that said representative has filed her final account herein which has been settled and allowed by the Court. That all inheritance taxes determined by the Court to be due the State of Minnesota have been paid.

THIRD—That said decedent died in testate on the 28th day of May, 19 44, and at the time of h is death decedent was a resident of the County of Stearns and State of Minnesota.

FOURTH—That the residue of the estate of said decedent for distribution consists of the following property, to-wit:

(A) Personal property of the value of \$ - - - - comprising the following items:

None.

(B) Real property described as follows: The homestead of decedent situate in the County of
 Stearns
, State of Minnesota, described as follows, to-wit:

The Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$)
 and the North one-fourth ($1/4$) of the Southwest Quarter
 ($N\frac{1}{4} SW\frac{1}{4}$) of Section numbered Seven (7), Township numbered
 One Hundred Twenty-three (123) North, of Range Twenty-eight
 (28) West.

(C) Other tract of land lying and being in the County of Stearns
 State of Minnesota, described as follows, to-wit:

The Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4}$)
 of Section numbered Seven (7), Township numbered One Hundred
 twenty-three (123) North, of Range numbered Twenty-eight (28)
 West.

FIFTH—That the following named persons are the heirs at law

of said decedent, and are all of the persons entitled to the residue of said estate of said decedent, to-wit:

Catharine Barthelemy, surviving spouse, and Violet E. Barthelemy, Virginia Justice, Lillian Madsen, Dorothy E. Opitz and Donald Barthelemy, children of said decedent.

Now, Therefore, On motion of Quigley, Donohue & Quigley,
attorneys for the

representative of said estate, and by virtue of the power and authority vested in this court by law, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, and the said court does hereby ORDER, ADJUDGE AND DECREE, that all and singular the above described personal property be, and the same hereby is, assigned to and vested in the above named persons, in the following proportions and estates, to-wit:

None for distribution.

And that the title to the above described real estate

has passed to and is hereby assigned to and vested in the above named persons in the following proportions and estates, to-wit:

To Catharine Barthelemy, surviving spouse of decedent, the homestead of decedent, for and during the term of her natural life, and one-third (1/3) of the other real estate of decedent, in fee simple. The remainder in the homestead, after the life estate of Catharine Barthelemy therein, and the undivided two-thirds (2/3) of the other real estate of decedent, in equal, undivided shares, share and share alike, to Violet E. Barthelemy, Virginia Justice, Lillian Madsen, Dorothy E. Spitz and Donald Barthelemy, in fee simple forever.

To Have and to Hold the Same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining to the said above named person s., their heirs and assigns; without prejudice, however, to any lawful conveyance of said property or any part thereof by said persons, or any of them, heretofore made.

Dated at St. Cloud, Minn., this 28th day of September, 19 45



[Signature]
Probate Judge.

State of Minnesota,

ss.

PROBATE COURT

County of _____

I, _____ of the Probate Court within and for said County, and Custodian of the Seal and Records of said Court, do hereby certify that I have compared the foregoing copy of Final Decree of Distribution with the original record thereof preserved in this office and have found the same to be a correct transcript of the whole thereof.

In Testimony Whereof, I have hereunto subscribed my name and affixed the Seal of said Court, at _____, in said County, this _____ day of _____, 19 _____.

_____ of the Probate Court.

File No. 13,354

State of Minnesota,
County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

John N. Barthelemy

Deceased.

Final Decree of Distribution

Office of Register of Deeds,

State of Minnesota.

County of _____
I hereby certify that the within Instrument was filed in this office for record on the _____ day of _____, 19 _____, at _____ o'clock _____ M., and was duly recorded in Book _____ of _____, page _____.

By _____ Register of Deeds.
Deputy.
Transfer entered this _____ day of _____, 19 _____.

By _____ County Auditor.
Deputy.

Filed this 28th day of Sept., 19 45, and recorded in Book 93 of Decrees, page 34

[Signature]
Clerk of Probate Court.

No. 3811

STATE OF MINNESOTA

ss

IN PROBATE COURT

COUNTY OF STEARNS

IN THE MATTER OF THE ESTATE OF)

JOHN N. BARTHELEMY,

Decedent. }

PETITION FOR DETERMINATION
OF DESCENT OF PROPERTY
OMITTED IN ADMINISTRATION

Your petitioner respectfully represents and shows to the Court:

1. That your petitioner, Donald Barthelemy, is a surviving son and heir at law of the deceased John N. Barthelemy, who died on the 28th day of May, 1944 in the City of St. Cloud, Minnesota and who, at the time of his death was a resident of Stearns County, Minnesota.

2. That in the administration of decedent's estate, which was undertaken in the Probate Court of Stearns County, Minnesota, certain real property was omitted from said administration by inadvertance and mistake.

3. That the decedent was the owner of an undivided two-fifteenths (2/15) interest in and to real property lying and being in the County of Stearns, State of Minnesota described as follows, to-wit:

Lot numbered three (3) in Block twenty-three (23) in Edelbrock's Addition to the town (now City) of St. Cloud:

the SouthEast One-quarter (SE $\frac{1}{4}$) of Section Eight (8), Twp. 123, Range 28; and also the NorthEast Quarter (NE $\frac{1}{4}$) of the NorthEast Quarter (NE $\frac{1}{4}$) of Section 17, Twp. 123, No. of Range 28 West.

4. That the decedent was the owner of an undivided one-fifth (1/5) interest in the fee of the following described real property lying and being in the County of Stearns, Minnesota, subject to the life estate therein of Amelia Barthelemy:

The North One-half (N $\frac{1}{2}$) of the SouthEast Quarter (SE $\frac{1}{4}$) of the SouthWest Quarter (SW $\frac{1}{4}$), and the North Half (N $\frac{1}{2}$) of the South West Quarter (SW $\frac{1}{4}$) of the SouthEast Quarter (SE $\frac{1}{4}$), all in Section 22, Twp. 124 North of Range 28 West.

5. That the decedent who died intestate in the city of St. Cloud left surviving the following heirs at law:

Catharine Barthelemy
Violet Barthelemy
Virginia Justice
Lillian Madsen
Dorothy Opitz
Donald Barthelemy

widow
daughter
daughter
daughter
daughter
son

Lincoln, Neb.
Minneapolis, Minn.
Minneapolis, Minn.
North Branch, Minn.
St. Cloud, Minn.
St. Cloud, Minn.

6. WHEREFORE, your petitioner prays the order of this Court determining the descent of the foregoing described real property, which was omitted from the administration of decedent's estate, according to law.

Dated this 6th day of March, 1946.

Donald B. Kelling

STATE OF MINNESOTA

ss

COUNTY OF STEARNS

Donald Barthelmy being duly sworn on oath says that he is the person who made the foregoing petition; that he knows the contents thereof, and that the same is true of his own knowledge except as to those matters therein stated on his information and belief, and as to those matters he believes it to be true.

Donald Barthelmy
Petitioner

Subscribed and sworn to before me
this 16th day of March, 1946

James J. Quigley, Jr.
JAMES J. QUIGLEY, JR.,
Notary Public, Stearns County, Minn.,
My Commission Expires August 22, 1948.

13354

STATE OF MINNESOTA
County of Stearns

PROBATE COURT

In the Matter of the Estate of

John N. Bartholmey
Decedent

*Petition for determination
of descent*

FILED THIS 6th DAY
OF March A.D. 1946
Frank Kenyon
Clerk of Probate

4707 6200
0029 1014

State of Minnesota,

IN PROBATE COURT.

County of Stearns

File No. 13,354

In the Matter of the Estate of

John N. Barthelemy,

Deceased.

Decree of Descent.

The above entitled matter came on to be heard on the 29th day of March, 1946, upon the petition of Donald Barthelemy

praying for the judicial determination of the descent of the real estate hereinafter described belonging to said decedent at the time of his death. The said petitioner appeared in person and by attorneys, Quigley, and Donohue & Quigley, appeared in opposition to said petition; and the court having duly considered said petition, and the evidence adduced in relation thereto finds the following facts:

FIRST—That due notice of said hearing was given by the publication of the order for hearing on said petition heretofore entered herein in the St. Cloud News, proof of publication of said notice of hearing and service by mail having been filed in this court.

SECOND—That the petitioner's interest in the lands hereinafter described is as follows, to-wit:

As a son and heir at law of decedent.

THIRD—That the above named decedent died at St. Cloud, in the County of Stearns, State of Minnesota, on the 26th day of May, 1944, leaving no last will and testament. That the estate of said decedent was heretofore probated in the County of Stearns, State of Minnesota, but that the real estate hereinafter described was not included in the final decree made by the Court in said matter.

and that more than five years have elapsed since the death of said decedent, and that no will has been probated nor administration had upon said decedent's estate in the State of Minnesota.

FOURTH—That said decedent, at the time of his death, was the owner and seized of the tract of land in the County of Stearns, State of Minnesota, described as follows, to-wit: An undivided 2/15 interest in and to: - Lot numbered Three (3) in Block numbered Twenty-three (23) in Edelbrock's Addition to the town (now City) of St. Cloud, and the Southeast Quarter of Section Eight (8), Township 123, Range 28, and also the Northeast Quarter (NE₁) of the Northeast Quarter (NE₁) of Section Seventeen (17), Township 123, Range 28.

Also an undivided one-fifth (1/5) interest in and to the North Half of the Southeast Quarter of the Southwest Quarter (N₁SE₁SW₁) and the North Half of the Southwest Quarter of the Southeast Quarter (N₁SW₁SE₁), all in Section Twenty-two (22), Township One Hundred Twenty-four (124) North, of Range Twenty-eight (28) West.

FIFTH—That the following named persons are the heirs at law

of said decedent and the persons entitled to his estate and the lands herein described, to-wit:

Catharine Barthelemy, surviving spouse, and Violet Barthelemy, Virginia Justice, Lillian Madsen, Dorothy Opitz and Donald Barthelemy, children of said decedent.

AS A CONCLUSION FROM THE FOREGOING FACTS, IT IS ORDERED, ADJUDGED AND DECREED, That all and singular the above described lands descended to, and are the property of, the above named person ⁸ and that the same be, and hereby are, vested in and assigned to the above named person ⁸, in the following proportions, to-wit:.....

An undivided one-third (1/3) thereof to Catharine Barthelmy, said surviving spouse, and the undivided two-thirds (2/3) thereof in equal, undivided shares, share and share alike, to Violet Barthelmy, Virginia Justice, Lillian Madsen, Dorothy Opitz and Donald Barthelmy, in fee simple forever.

To Have and to Hold the Same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said above named persons, their heirs and assigns; without prejudice, however, to any lawful conveyance of said property or any part thereof by said persons, or any of them, made.

Dated at St. Cloud, Minn., this 29th day of March, 1946.

[Signature]
Judge of Probate.

State of Minnesota,

County of _____

PROBATE COURT

I, _____, of the Probate Court, within and for said County, and Custodian of the Seal and Records of said Court, do hereby certify that I have compared the foregoing copy with the original record thereof preserved in this office and have found the same to be a correct transcript of the whole thereof.

In Testimony Whereof, I have hereunto subscribed my name and affixed the Seal of said Court, at _____ in said County, this _____ day of _____, 19 _____.



_____ of the Probate Court.

File No. 13,354

State of Minnesota,

County of Stearns

PROBATE COURT

In the Matter of the Estate of

John N. Barthelmy

Deceased.

Decree of Descent

Office of Register of Deeds

State of Minnesota.

County of _____

I hereby certify that the within instrument was filed in this office for record on the _____ day of _____, 19 _____, at _____ o'clock _____ M., and was duly recorded in Book _____ of _____, page _____.

By _____, Register of Deeds.
Deputy.

Transfer entered this _____ day of _____, 19 _____.

By _____, County Auditor.
Deputy.

Filed this 29th day of March, 1946, and recorded in Book 74 of Deeds, page _____.

[Signature]
Clerk of Probate.

State of Minnesota,

County of Stearns

ss.

IN PROBATE COURT

In the Matter of the Estate of

Philip Weyland

Decedent.

Petition for Allowance and
Probate of WillTo the Probate Court in and for said County:
Your Petitioner Represents and Alleges to the Court:

FIRST—That your petitioner is a resident of Richmond (1) in the County of Stearns State of Minnesota, and is an adult and is interested in the estate of decedent in this, to-wit Widow (2)

SECOND—That said decedent died at Richmond County of Stearns State of Minnesota, on the 25 day of July 1944 aged 82 years and at the time of his death was a resident of Richmond in the County of Stearns and State of Minnesota and left estate in the County of Stearns, State of Minnesota.

THIRD—That said decedent died leaving a last Will and Testament which will is herewith presented and filed for Probate.

FOURTH—That the estate of decedent at the time of his death consisted of (3) personal property of the estimated value of \$ 4,597.53 divided as follows:

- | | |
|--------------------------------------|-------------------------------------------|
| 1. Household goods, \$ <u>100.00</u> | 2. Wearing Apparel, \$ <u>5.00</u> |
| 3. Stock, \$ | 4. Notes, bonds, etc., \$ <u>4,492.53</u> |
| 5. Miscellaneous, \$ | |

That said estate also included (4) real estate of the estimated worth and probable value of \$ ~~18,000.00~~ 9,000.00 situated in said County of Stearns State of Minnesota, to-wit:

- | | |
|-------------------|-------------------------------------------|
| 1. City property | Lots without buildings, \$ |
| | Lots with buildings, \$ |
| 2. Rural Property | Acres unimproved lands, \$ |
| | Acres improved lands, \$ <u>10,000.00</u> |
| 3. Homestead | \$ <u>1,000.00</u> |

NOTE 1st—City, Village, Borough or Township.

" 2nd—Executor, Heir or Devisee.

" 3rd—If no property insert word "No" and strike out unnecessary words.

" 4th—If no real estate, insert "No" and strike out remainder.

FIFTH—That the names, ages, residences and relationship of the heirs, legatees and devisees of said decedent, so far as known to your petitioner are as follows:

NAMES	AGES YEARS	PLACES OF RESIDENCE	RELATIONSHIP
Mary Krause Weyland	69	Richmond, Minnesota	Wife
Theresa Weyland Heinen	50	Cold Spring, Minn.,	Daughter
Eugene Heinen	12	" " "	Grandchild
Linus Heinen	11	" " "	"
Celestine Heinen	10	" " "	"
John Heinen	9	" " "	"
Ralph Heinen	8	" " "	"

SIXTH—That Joseph J. Doll whose Post Office address is Richmond, Minnesota is named in said Will as execut ~~or~~ ~~is~~ ~~thereof and~~ ~~is~~ ~~suitable and competent person~~ ~~to be execut~~ ~~of said will.~~

Wherefore your petitioner prays that said last Will and Testament be allowed and admitted to probate; and that said Joseph J. Doll be appointed execut ~~or~~ ~~thereof; and that, upon due qualification as provided by law, letters testamentary be issued to the said~~ Joseph J. Doll

Dated August 1, 1944

Petitioner.

State of Minnesota,

County of Stearns

being duly sworn, on oath says that she is the petitioner named in the foregoing petition; that the said petition is true of her own knowledge except as to the matters therein stated on information and belief, and as to those matters she believe it to be true.

Subscribed and sworn to before me this

1st day of August 1944

Notary Public

County, Minnesota.

My Commission expires

April 7, 1946

State of Minnesota,

County of Stearns

IN PROBATE COURT

Petition for Allowance and
Probate of Will

In the Matter of the Estate of

Philip Weyland

Decedent.

Filed this 1st day of

August 1944

Frank H. Hoyer
Clerk—Judge of Probate.

STATE OF MINNESOTA

COUNTY OF STEARNS

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF PHILIP WEYLAND, DECEDENT.

AFFIDAVIT OF MAILING NOTICE OF ORDER FOR HEARING

STATE OF MINNESOTA

COUNTY OF STEARNS

STATE OF MINNESOTA, County
of Stearns, ss

IN PROBATE COURT

File No. 13,353

ORDER FOR HEARING ON PETITION FOR PROBATE OF WILL, LIMITING TIME TO FILE CLAIMS AND FOR HEARING THEREON

In Re Estate of Philip Weyland, Decedent.

Mary Kraus Weyland having filed a petition for the probate of the Will of said decedent and for the appointment of Joseph J. Doll as Executor which Will is on file in this Court and open to inspection;

IT IS ORDERED, That the hearing thereof be had on Friday, the 25th day of August, 1944, at nine o'clock A. M., before this Court in the probate court room in the court house in the City of St. Cloud, Minnesota, and that objections to the allowance of said Will, if any, be filed before said time of hearing; that the time within which creditors of said decedent may file their claims be limited to four months from the date hereof, and that the claims so filed be heard on Friday, December 8th, 1944, at nine o'clock A. M., before this Court in the probate court room in the court house in the City of St. Cloud, Minnesota, and that notice hereof be given by publication of this order in the Richmond Reporter, a weekly newspaper, and by mailed notice as provided by law.

Dated August 1st, 1944.

E. J. Ruegemer

Probate Judge

(Probate Court Seal)

William A. Boerger, Esq.,
Attorney for Petitioner,
St. Cloud, Minnesota.

William A. Boerger, being duly sworn, upon oath says that, on the 10th day of August, 1944 at the City of St. Cloud, State and County aforesaid, he mailed two true and correct copies of the attached notice in the above entitled matter to the State Commissioner of Taxation and one to Secretary of State, and one to each of the known heirs-at-law of the said decedent at their last known address, after due diligence in ascertaining the correctness of said addresses, by enclosing the same in a sealed envelope with sufficient postage affixed, and depositing the same in the U.S. Mails at the City of St. Cloud, Minnesota, and addressed to the following named persons, to-wit:

State Office Bldg., Saint Paul, Minnesota;
State Capitol, Saint Paul, Minnesota;
St. Paul, Minnesota;
Id Spring, Minnesota;
and Reinen, Cold Spring, Minnesota;

" " " "
" " " "
" " " "
" " " "

William A. Boerger

File No. 13,355

STATE OF MINNESOTA
COUNTY OF STEARNS ss

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF
PHILIP WEYLAND, DECEDENT.

AFFIDAVIT OF MAILING NOTICE OF
ORDER FOR HEARING ON
PETITION FOR ADMINISTRATION
(Will)

FILED THIS 11th DAY
OF August A.D. 19 44
Frank Herzog
Clerk of Probate

0030 1020

STATE OF MINNESOTA, County
of Stearns, ss

IN PROBATE COURT

File No. 13,855

ORDER FOR HEARING ON PETI-
TION FOR PROBATE OF WILL,
LIMITING TIME TO FILE CLAIMS
AND FOR HEARING THEREON

In Re Estate of Philip Weyland,
Decedent.

Mary Kraus Weyland having filed
a petition for the probate of the
Will of said decedent and for the
appointment of Joseph J. Doll as
Executor which Will is on file in
this Court and open to inspection;

IT IS ORDERED, That the hearing
thereof be had on Friday, the 25th
day of August, 1944, at nine o'clock
A. M., before this Court in the pro-
bate court room in the court house
in the City of St. Cloud, Minnesota,
and that objections to the allowance
of said Will, if any, be filed before
said time of hearing; that the time
within which creditors of said de-
cedent may file their claims be lim-
ited to four months from the date
hereof, and that the claims so filed
be heard on Friday, December 8th,
1944, at nine o'clock A. M., before
this Court in the probate court room
in the court house in the City of St.
Cloud, Minnesota, and that notice
hereof be given by pub-
lication of this order in the Rich-
mond Reporter, a weekly newspaper,
and by mailed notice as provided by
law.

Dated August 1st, 1944.

E. J. Ruegamer

Probate Judge

(Probate Court Seal)
William A. Boerger, Esq.,
Attorney for Petitioner,
St. Cloud, Minnesota.

PRINTER'S AFFIDAVIT OF PUBLICATION

Printer's Affidavit of Publication. (Mason's Minn. Statutes,
1927, Chaps. 10935, 10936, as amended by Chap. 373, G. L.
1933, as amended by L. 1935, C. 166.)

STATE OF MINNESOTA,
County of Stearns.

Ante Brouse, being duly sworn, on oath
says; that he is, and during all the times herein stated has been
the publisher of the newspaper known as Richmond Reporter,
and has full knowledge of the facts hereinafter stated; that for
more than one year prior to the publication therein of the

Order for Hearing on Petition
for Probate of Will, Limiting Time to
File Claims and for Hearing Thereon

hereinafter described, said newspaper was printed and publish-
ed in the Village of Richmond, in the County of Stearns,
State of Minnesota, on Thursday of each week; that during
all said time said newspaper has been printed in the English
language from its known office of publication within the village
from which it purports to be issued as above stated in column
and sheet form equivalent in space to at least 450 running
inches of single column, two inches wide; has been issued
once each week from a known office established in said place of
publication and equipped with skilled workmen and the neces-
sary material for preparing and printing the same; that during
all said time in its makeup not less than twenty-five per cent of
its news columns have been devoted to local news of interest to
the community it purports to serve; that during all said time it
has not wholly duplicated any other publication, and has not
been entirely made up of patents, plate matter and advertise-
ments; has been circulated in and near its said place of pub-
lication to the extent of at least two hundred and forty (240)
copies regularly delivered to paying subscribers and has entry
as second class matter in its local postoffice; and that there has
been on file in the office of the County Auditor of Stearns
County, Minnesota, the affidavit of a person having knowledge
of the facts, showing the name and location of said newspaper
and the existence of the conditions constituting its qualifica-
tions as a legal newspaper.

That the Order for Hearing on Peti-
tion for Probate of Will
hereto attached was cut from the columns of said newspaper,
and was printed and published therein in the English language,
once each week for three successive weeks; that

it was first so published on Thursday, the 9 day of
August, 1944, and thereafter on Thursday

of each week to and including the 12 day of
August, 1944; and that the following is a printed
copy of the lower case alphabet from A to Z, both inclusive,
and is hereby acknowledged as being the size and kind of type
used in the composition and publication of said notice, to-wit:

abcdefghijklmnopqrstuvwxyz

Ante Brouse

Subscribed and sworn to before me this 19 day of

August, 1944.

Notary Public, Stearns County, Minn.

My commission expires 194

4030 1021

13.355

STATE OF MINNESOTA
County of Stearns

PROBATE COURT
In the Matter of the Estate of
Philip Heyland
Deceased

Printers affidavit
Hill

FILED THIS 21st DAY
OF Aug A.D. 1944
Frank Kenney
Clerk of Probate

2201 0600
0030 1022

State of Minnesota, }
County of Stearns } ss.

IN PROBATE COURT

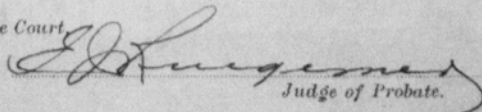
In the Matter of the Estate of Philip Weyland Deceased.

THE LAST WILL AND TESTAMENT of said deceased having been this day admitted to probate by this Court, and Joseph J. Doll named as execut or of said Will, having applied for Letters Testamentary thereon:

IT IS ORDERED, That the said Joseph J. Doll give bonds to the Judge of this Court in the sum of One Thousand and no/100 (\$1000.00) Dollars, conditioned that he will faithfully execute the duties of his trust according to law, with sufficient sureties, to be approved by said Judge, and that thereupon Letters Testamentary ~~be~~ to him issued.

Dated at St. Cloud, Minnesota, the 25th day of August A. D. 1944.

By the Court


Judge of Probate.

Attorney for Petitioner.

No. 13,355

IN PROBATE COURT

County of Stearns

In the Matter of the Estate of

Philip Weyland

Deceased.

ORDER FOR EXECUTOR'S BOND

Filed this 25th day of
August A. D. 19⁴⁴, and
recorded in Book of Orders, on
page

Frank Herzog
Clerk ~~Judge~~ of Probate.

State of Minnesota,

County of Stearns

ss.

IN PROBATE COURT.

In the Matter of Proving the Last Will and Testament of the Estate of

Philip Weyland

Proof of Will

Decedent.

State of Minnesota,

County of Stearns

ss.

Joseph J. Doll

, being

duly sworn on behalf of the proponent of the Will, doth depose and say: that he is one of the subscribing witnesses to the instrument now shown herewith, bearing date the 29th day of May A. D. 1936, and purporting to be the Last Will and Testament of

Philip Weyland

of the County

of Stearns and State of Minnesota now here presented for probate; that this affiant knew and was well acquainted with the said Decedent, in his lifetime and at the time of his death, that on the day and date of said instrument, to-wit, the 29th day of May A. D. 1936, the said instrument was signed, sealed, executed and then and there acknowledged, published and declared by the said decedent, to be his Last Will and Testament in the presence of deponent and of

Henry Flint

the other subscribing witness thereto, and that deponent and the said

Henry Flint

the other subscribing witness did then and there, in the presence of the said decedent, and at his request, severally subscribe said instrument as witnesses thereto, and in the presence of each other.

Deponent further says that at the time of the execution of said instrument as aforesaid, the said Decedent was of sound and disposing mind, memory and understanding, of lawful age and under no restraint to the best of deponent's knowledge, and as he verily believes.

And further deponent saith not.

Subscribed and sworn to before me this

25th day of August A. D. 1944

[Signature]
Judge of Probate.

[Signature]

No. 13355

State of Minnesota,

County of Stearns

} ss.

IN PROBATE COURT

IN THE MATTER OF THE LAST WILL AND
TESTAMENT OF

Philip Weyland

Decedent.

TESTIMONY OF

Joseph J. Doll

Subscribing Witness to Will.

Taken, sworn, subscribed and filed this

25th

day of

August

1944

Frank Henry

Clerk ~~Judge~~ of Probate.

No. 3545*

9201 0000
0030 1026

IN THE NAME OF GOD, AMEN

LAST WILL AND TESTAMENT OF PHILIP WEYLAND

I, PHILIP WEYLAND, of Richmond in the County of Stearns and State of Minnesota, being of sound mind and memory, and considering the uncertainty of this frail and transitory life, do therefore make, ordain, publish, and declare this to be my Last Will and Testament.

First: I order and direct that my Executor hereinafter named, pay all my just debts and funeral expenses as soon after my decease as conveniently may be.

Second: After the payment of such funeral expenses and debts, I hereby Give, Devise, and Bequeath the sum of Three Hundred (\$300.00) Dollars unto my Executor for the purpose of having Holy Masses read for the repose of my soul. It is my intention to let my Executor select the various Catholic Priests to whom this sum of money shall be paid to have said Holy Masses read.

Third: I hereby Give, Devise, and Bequeath the sum of Two Hundred (\$200.00) Dollars unto my Executor for the purpose of having Holy Masses read for the repose of the soul of my deceased wife, Mary Lenter Weyland. It is my intention to let my Executor select the various Catholic Priests to whom this sum of money shall be paid to have said Holy Masses read.

Fourth: I hereby Give, Devise, and Bequeath the sum of Twenty-five (\$25.00) Dollars unto my daughter, Theresia Weyland Heinen, as she has received her full inheritance from me during my life-time.

Fifth: I hereby Give, Devise, and Bequeath the Homestead unto Mary Krause Weyland, my present wife, absolutely, which real estate is described as Lots Seven (7) and Eight (8) in Block Three (3), Bruning's Addition to Richmond, Stearns County, Minnesota.

Sixth: I hereby Give, Devise, and Bequeath all of the real estate except the Homestead, of which I may die possessed at the time of my death, share and share alike, unto all of the living children of my daughter, Theresia Weyland Heinen, and each child, then living, shall receive an equal undivided share, absolutely.

Seventh: I hereby Give, Devise, and Bequeath all of the remainder and residue of my personal property including all household goods, money, promissory notes, real estate mortgages, chattel mortgages, stocks, and bonds of every kind and nature, unto Mary Krause Weyland, my wife, absolutely.

Lastly, I make, constitute, and appoint Joseph J. Doll to be Executor of this my Last Will and Testament, hereby revoking all former wills by me made.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal the Twenty-ninth day of May, in the year of our Lord One Thousand Nine Hundred and Thirty-six.

Philip Weyland (SEAL)
PHILIP WEYLAND

THIS INSTRUMENT was, on the day of the date thereof, signed, published, and declared by the said Testator to be his Last Will and Testament in our presence, who, at his request, have subscribed our names thereto as witnesses in his presence and in the presence of each other.

Joseph J. Doll
residing at Richmond, Minnesota.

Pierre N. Thomey
residing at Richmond, Minnesota.

PIERRE N. THOMEY
ATTORNEY AT LAW
ST. CLOUD, MINNESOTA

LAST WILL AND TESTAMENT
OF
PHILIP WEYLAND

PIERRE N. THOMEY
ATTORNEY AT LAW
304 GRANITE EXCHANGE BLDG.
ST. CLOUD, MINN.

8201 0600
0030 1028

State of Minnesota,

County of Stearns

**IN PROBATE COURT
CERTIFICATE OF PROBATE**

In the Matter of the Estate of Philip Weyland Decedent

Be it Remembered. That on the day of the date hereof at a Special Term of said Probate Court, pursuant to the notice duly given, the last will and testament of Philip Weyland Decedent, late of said County of Stearns bearing date the 29th day of May 1936, and being the annexed written instrument, was duly proved before the Probate Court, in and for the County of Stearns aforesaid; and was duly allowed and admitted to probate by said Court according to law; as and for the last Will and Testament of said Philip Weyland deceased, which said last Will and Testament is recorded and the examination taken thereon filed in this office.

In Testimony Whereof, The Judge of the Probate Court of said County has hereunto set his hand and affixed the seal of said Court at St. Cloud, in said County, this 25th day of August 1944



[Signature]
Judge of Probate.

State of Minnesota, }

County of Stearns }

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Philip Weyland

Decedent.

Certificate of Probate of Will

Filed this 25th day of

August 19 44, and recorded,

together with the will attached in Book

A of Records of Wills, Page 565

Frank Steyer
Clerk of Probate.

State of Minnesota,
County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

Philip Weyland
Decedent

Order Admitting Will to Probate

The above entitled matter came on to be heard on the 25th day of August 1944

upon the petition of Mary Kraus Weyland
for the allowance of an instrument filed therewith purporting to be the last will and testament of the above named decedent; and
the court having duly heard the same and all the evidence produced in support thereof, and having duly considered the same,
finds as follows:

FIRST—That the citation of this court, dated the 1st day of August 1944 has
been duly served and published as directed therein and required by law.

SECOND—That said decedent died on the 25th day of July 1944, and
at the time of his death was a resident of Richmond
in the County of Stearns and State of Minnesota
and left estate in the County of Stearns State of Minnesota.

THIRD—That the subscribing witness to said purported last will and testament of said decedent, to-wit:
Joseph J. Doll

was duly sworn and examined, and his testimony reduced
to writing, subscribed by him and filed herein.

FOURTH—That said instrument presented for probate as aforesaid was duly executed by said decedent as his last will
and testament, according to law; and that said decedent, at the time he executed the said instrument, was of sound mind and
free from undue influence, of lawful age, and under no restraint

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the said instrument presented and proved
as aforesaid be and the same hereby is, established and allowed as the last will and testament of the above named decedent,
and is hereby admitted to probate.

Dated August 25th, 1944.

[Signature]
Judge of Probate.

State of Minnesota, }
County of Stearns }
PROBATE COURT

IN THE MATTER OF THE ESTATE OF
Philip Weyland
Decedent.

Order Admitting Will to Probate

Filed this 25th day of
August 19 44, and recorded
in Book " 22 " of Orders, Page 598.
Frank Henry
Clerk of Probate.

State of Minnesota, }
 County of Stearns } ss.

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Philip Weyland

Decedent.

LETTERS TESTAMENTARYTo Joseph J. Doll

GREETING:

WHEREAS, You have been appointed execut^{OR} of the last will and testament of the above named decedent, by the order of this court, and have duly qualified as such:

NOW THEREFORE, Reposing full faith and trust in your competency, ability, and integrity, these letters testamentary are issued to you by the court, authorizing you to execute and carry into effect the said will of said decedent, according to the true intent thereof; and granting unto you all the powers, duties and responsibilities incident to said trust, in substance as follows, to-wit:

First—To take possession of all the estate of said decedent, both real and personal, excepting that which may be set aside by the court for the surviving spouse or children of said decedent; to collect and receive all the rents, issues, increase, and profits, of said estate; to demand, receive, collect, sue for and recover, all the debts, claims, rights, and choses in action, which to said decedent at the time of his death did belong; and, within ^{one month} ~~XXXXXX~~ from the date hereof, to make and file in this court, a true, verified inventory of all the estate of said decedent, and cause the same to be appraised according to law.

Second—To manage, care for, and administer, the said estate, to the end that the same may be preserved, kept, and increased, in the most economical and efficient manner; and to keep in good condition of repair all the buildings and improvements on the real estate of decedent.

Third—To cause to be paid, according to the provisions of said will as far as possible, and where not possible, then according to law, out of the personal estate of decedent if the same be sufficient therefor, and if not sufficient, then out of the real estate of decedent to be sold under the license of this court, the following charges, demands, and debts, in the order following, to-wit: the expenses of the administration of said estate; the expense of the funeral of said decedent; the expenses of the last sickness of said decedent; all the debts of decedent having preference under the laws of the United States; all taxes that shall be legally levied upon the estate of decedent; all other debts of decedent due to his creditors that shall be duly proved and allowed by the court, if said estate be sufficient therefor, otherwise to pay the same pro rata; all legacies given and provided by said will of decedent, if his said estate be sufficient therefor.

Fourth—To make and file in this court, whenever requested by the court so to do, and at the completion of said trust, full and true accounts, with itemized statements, under oath, of all said estate and the increase thereof, that shall come into your hands, and of all disbursements made by you, and of all the residue that remains in your hands, together with the value and condition thereof; and, at the completion of said trust, to turn over all the residue of said estate in your hands to those declared thereunto entitled by the court.

WITNESS, The Judge of this Court, and the seal thereof, this 1st day of September 19 44.

{ COURT
SEAL }

J. J. Doll
 Judge of Probate Court

State of Minnesota,

IN PROBATE COURT

County of _____

ss.

I, _____, Judge of the Probate Court, in and for said County, and State aforesaid, do hereby certify that I have compared the within and foregoing paper writing with the original Letters Testamentary in the matter therein entitled, now remaining of record in my office, and that the same is a true and correct copy of said original, and the whole thereof.

WITNESS, my hand and seal of said Court, at _____

day of _____

, A. D. 19 _____

this

Judge of Probate Court.

No. 13,355

State of Minnesota, }
County of Stearns } ss.

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Philip Weyland

LETTERS TESTAMENTARY [Long Form]

Filed this 1st day of
September 19 44, and Recorded
in Book "X" of Letters, Page 195

Frank Herzog
Clerk of Probate Court.

State of Minnesota, } ss.
County of Stearns

IN PROBATE COURT.

In the Matter of the Estate of
Philip Weyland }

BOND

Know All Men by these Presents, That we

Joseph J. Doll

of Richmond, Minnesota

in the County of Stearns

State of Minnesota, as principal, and

John G. Niehaus and Ben N. Schouville

of said County and State,

as sureties, are held and firmly bound to E. J. Ruegamer

Judge of Probate of the County of Stearns

, Minnesota, in the sum of

One Thousand and No/100 -

DOLLARS,

lawful money of the United States, to be paid to the said Judge of Probate or his successors in office for which payment, well and truly to be made, we bind ourselves, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bounden

Joseph J. Doll

, who has been appointed representative of the

estate of the above named

Philip Weyland

shall

well and faithfully discharge all the duties of his trust as representative of said estate according to law, then this obligation shall be void; otherwise it shall be and remain in full force and virtue.

Witness, our hands and seals this 30th day of August, A. D. 19 44

Signed, Sealed and Delivered in Presence of

Harry Deusch
Lucy Thiland

Joseph J. Doll (SEAL)
John G. Niehaus (SEAL)
Ben N. Schouville (SEAL)
(SEAL)
(SEAL)

ACKNOWLEDGMENT

State of Minnesota, } ss.
County of Stearns

Be It Known, That on this 30th day of August, A. D. 19 44

personally appeared before me Joseph J. Doll, as principal, and John G. Niehaus
and Ben N. Schouville, as sureties,

to me well known to be the same persons who executed the foregoing bond, and they severally acknowledged the same to be their free act and deed, and that they executed the same for the uses and purposes therein expressed.

Harry Deusch
Notary Public.

My Commission Expires Aug 10, 1950

Stearns County, Minn.
Aug 10, 1950

JUSTIFICATION

State of Minnesota,

County of Stearns

}

ss.

John G. Niehaus

of

Richmond, Minnesota

and Ben N. Schouville

of

Richmond, Minnesota

being duly sworn, each for himself says that he is one of the sureties described in and who executed the foregoing bond; that he is a resident and freeholder of the State of Minnesota, and is worth the amount of \$ 1,000.00 specified in the foregoing bond above his debts and liabilities and exclusive of his property exempt from execution.

John G. Niehaus
Ben N. Schouville

Subscribed and sworn to before me this 30th day of August, 1944.

Notary Public,

County, Minnesota.

My Commission Expires Aug 10-1950

APPROVAL

I do hereby approve the within Bond, this 1st day of Sept, A. D. 1944

(Court Seal)

Judge of Probate.

OATH

State of Minnesota,

County of Stearns

}

ss.

I,

Joseph J. Doll

do swear that I will faithfully and justly perform all the duties of the office and trust which I now assume as Representative of the estate of Philip Weyland to the best of my ability. So help me God.

Subscribed and sworn to before me this 30th day of August, A. D. 1944

My Commission Expires Aug 10-1950

Notary Public.

County, Minn.

State of Minnesota.

County of Stearns

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Philip Weyland

Decedent - XXXXX

BOND AND OATH OF
REPRESENTATIVE

Filed this 1st day of

September 1944

and said Bond recorded in Book

of Bonds, page 412 of Probate
Records.

Frank R. Berg
 Clerk - Judge of Probate.

State of Minnesota, }
County of Stearns } ss.

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Philip Weyland

Decedent.

Order Appointing Appraisers

On all the files, records, and proceedings in said estate

It is ordered that John G. Niehaus and

Ben Schouviller

be and they are hereby appointed appraisers, to appraise upon oath the estate of the said decedent according to law.

Dated this 30th day of August, 19 44.

(PROBATE COURT SEAL)

Probate Judge

No. 13,355

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Philip Weyland

Decedent

Order Appointing Appraisers

Filed August 30th, 1944

Frank Herzog
Probate ~~Judge~~ Clerk.

0030 1038

State of Minnesota,
County of Stearns

IN PROBATE COURT

File No.

IN THE MATTER OF THE ESTATE OF

INVENTORY AND APPRAISALPhilip Weyland

Decedent

Date of Death July 24, 1944**OATH OF APPRAISERS****State of Minnesota,**

ss.

County of StearnsBen N. SchouvillerI, John G. Niehaus, and

do solemnly swear that I will honestly, faithfully and impartially perform all the duties of the office and trust which I now assume as appraiser of the estate of

Philip Weyland

decedent to the best of my ability. So Help Me God.

Subscribed and sworn to before me this

30th day of July, 1944Notary Public, Stearns County, Minn.My commission expires April 6, 1944

(SEAL)

INVENTORY AND APPRAISAL

The undersigned representative... of the estate of the above named decedent, represent... s
and show... s to the court—

That the following is a true and correct inventory of all the property of the above named estate, both real and personal, which has come into my possession and of which I have knowledge after diligent search and inquiry concerning the same, classified as follows, to-wit:

CLASS I—Real Estate:

(a) The homestead of decedent, being in the County of <u>Stearns</u> , State of Minnesota, consisting of <u>2</u> Lots (give acreage) acres in area described as follows, to-wit:	Specify Encumbrances and Respective Amounts	Net Value Over Encumbrances
<p><u>Lots 7 & 8 Block 3, Bruning's Addition to the Village of Richmond</u></p>	None	1,800.00
<p>(b) All other real estate of decedent being in the County of <u>Stearns</u>, State of Minnesota, described as follows, to-wit:</p> <p>The North half of South-west quarter of the North-east quarter, The South-east quarter of the North-east quarter, and the East 60.24 acres of the North half of the North-west quarter of Section Five Township 123, Range 30. containing 120.24 acres.</p> <p>The Southwest quarter of the South-west quarter, The South 14.42 acres of Lot 4, Lot 3 less 7.36 acres platted, Lots 7 & 8, and West half of South-east quarter less fractional 2.72 acres, All in section 32 Township 124, Range 30. containing in all 210.36 acres</p> <p>FORWARDED</p>	<p>None</p> <p>None</p>	<p>\$1,800.00</p> <p>5,000.00</p> <p>7,000.00</p>

Being all that tract of land of the Northeast Quarter (NE $\frac{1}{4}$) lying South of the St. Cloud and Willmar Branch of the Great Northern Railway line as the same is now located, constructed and operated across Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Twenty-three (123) North, of Range Thirty-one (31) West, being about thirty (30) acres more or less. Less that part lying within and bounded by the following metes and bounds, viz: Commencing at a point two hundred twenty (220) feet due East of the West line of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Twenty-three (123) North, of Range Thirty-one (31) West, and one hundred (100) feet due South of the main tract of the St. Cloud and Willmar Branch of the Great Northern Railway line as the same is now located, constructed and operated across the said Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-four (24), which point is the place of beginning; thence running in a northeasterly direction and parallel with the center line of said main track of said St. Cloud and Willmar Branch, One Hundred (100) feet; thence running due South fifty (50) feet; thence running in a southwesterly direction and parallel with the center line of the said main track of the said St. Cloud and Willmar Branch One Hundred (100) feet; thence running due North Fifty (50) feet to the place of beginning

VERIFICATION

State of Minnesota, }
County of Stearns } ss.

Joseph J. Doll
being duly sworn, on oath say s. that he is the representative of the estate above specified; that he has read the foregoing inventory subscribed by him and know s. the contents thereof and that the same is a true and correct inventory of all of the estate of the decedent that has come to his possession or knowledge.

Subscribed and sworn to before me this
30th day of August, A. D. 1944
Notary Public, County, Minn.
My commission expires, 19
(SEAL)

CERTIFICATE OF APPRAISERS

State of Minnesota, }
County of Stearns }
We, the undersigned appraisers, duly appointed by the Probate Court of Stearns County, Minnesota, to appraise the estate of Philip Weyland, 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 footed up by itself the amount and value of each class of said property, and of the whole of said estate.

Dated this 30th day of August, A. D. 19 44

John G. Johnson
Ben N. Schowiller
Appraisers

File No. 13355

State of Minnesota,
County of Stearns

PROBATE COURT

IN THE MATTER OF THE ESTATE OF
Philip Weyland

Decedent	
Inventory and Appraisal	
Total Personal	\$ 6,222.53
Total Real Estate	\$ 13,800.00
Total Appraisal	\$ 20,022.53

Due service of the within inventory and appraisal is hereby admitted this day of 19

Deputy-Treasurer of
County, Minnesota

Filed this 11th day of September, A. D. 1944
Frank Weyland
Probate Clerk

Attorney

STATE OF MINNESOTA

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

Philip Weyland

Decedent

INHERITANCE TAX RETURN

Date of death July 24th, 1944

GENERAL INSTRUCTIONS

This return must be filed with the Probate Court, at or before the time of filing the inventory, by the representative of the estate of every person whose death occurred after April 20, 1939.

All questions must be answered. Where space is insufficient for giving the complete information required, separate sheets should be attached, appropriately marked and referred to by letter or number.

If the estate is, or may be, taxable the return must be made in duplicate and one copy must be delivered to the Commissioner of Taxation under the direction of the Probate Court.

Name and address of the attorney for the estate must appear on the face of the return.

Below appear excerpts from Chapter 338, Session Laws of Minnesota for 1939, amending Mason's Minnesota Statutes of 1927, Section 2295 and Section 2304, relating to Inheritance Tax Return.

"2295 (2). Every representative shall, at the time of filing the inventory as required by law, file with the Probate Court a return under oath, in such form as may be prescribed by the attorney general, of all property within his knowledge and the value thereof at the date of the decedent's death, (a) which the decedent has at any time transferred and which is or may be subject to an inheritance tax, (b) which the decedent held in joint tenancy, (c) which was subject to the exercise of a power of appointment by the decedent. The return shall also contain a list of all policies of insurance on the life of the decedent payable to named beneficiaries, and the amounts thereof, if the total amount thereof exceeds \$32,500."

"2304 (2). In all estates where it appears from the inventory, appraisal and return that an inheritance tax may be imposed, the representative shall, upon the filing thereof, under direction of the court, deliver a copy of each, and of the petition, and will, if any, to the attorney general."

(Note:—Chapter 431, Laws of Minnesota for 1939, transfers duties of attorney general relating to inheritance taxation to the Commissioner of Taxation.)

ALL QUESTIONS ON THIS PAGE MUST BE ANSWERED

INSTRUCTIONS FOR SCHEDULE I

Property held in Joint Tenancy

All personal property of every kind, wherever situated, and all real property situated in Minnesota, held in joint tenancy by the decedent and any other person or persons must be included in Schedule I. If the survivor furnished any part of the consideration the amount and nature of the consideration should be stated. If the property was acquired by the decedent and the survivor as joint tenants, by gift, bequest, devise or inheritance, that fact should be stated. The full value of the property held in joint tenancy should in all cases be given. *Identify the homestead, if any, as such.*

Did the decedent, at the time of his death, own any real or personal property as a joint tenant with the right of survivorship?

Ans. Yes or No.....**No.**

INSTRUCTIONS FOR SCHEDULE II

Insurance and Annuities

Schedule II must state all life or accident insurance taken out by decedent and payable on the death of the decedent, to named beneficiaries, where the total amount of insurance payable to named beneficiaries exceeds \$32,500. Insurance payable to the estate of the decedent, whether by the terms of the policy or by reason of the death of the named beneficiary, should be included in Schedule II regardless of the total amount of the insurance payable to named beneficiaries. If any policy was payable only by installments state the terms of the policy with respect to the amount and duration of payments. Schedule all annuities owned by decedent which had a commuted or cash refund value on death.

1. Did the decedent, prior to his death, take out policies of life insurance, payable to named beneficiaries, aggregating in excess of \$32,500?

Ans. Yes or No.....**No**

2. Did the decedent, at his death, have any life insurance payable to his estate?

Ans. Yes or No.....**No**

3. Did the decedent at the time of his death own any annuities which had a commuted or cash refund value?

Ans. Yes or No.....**No**

INSTRUCTIONS FOR SCHEDULE III

Transfers by the Decedent

Schedule III must describe all property which the decedent has at any time transferred and which is, or may be, subject to an inheritance tax. This includes all transfers: (a) In contemplation of death; (b) Intended to take effect in possession or enjoyment at or after death; (c) In trust, where the income, or any part thereof, or the power of revocation, is reserved to the donor.

If the transfer was by deed, give the date of execution and of recording. If the transfer was in trust or to an insurance company for the purchase of an annuity, attach a copy of the instrument or contract and give the age and relationship of all beneficiaries.

1. Did the decedent make any transfer described in the foregoing instructions?

Ans. Yes or No.....**No.**

2. Did the decedent, within two years immediately prior to his death, make any transfer of a material portion of his property, without adequate and full consideration in money or moneys worth, in trust or otherwise?

Ans. Yes or No.....**No.**

3. Did the decedent, at any time, make a transfer of an amount of \$2500.00 or more, without an adequate and full consideration in money or moneys worth, which the representative believes is not subject to an inheritance tax?

Ans. Yes or No.....**No**

If the answer to question 3 is "Yes" state the date, description of property, value, character of transfer, and motive for making the transfer:

4. Were there in existence at the time of decedent's death any trusts created by him during his lifetime?

Ans. Yes or No.....**No**

INSTRUCTIONS FOR SCHEDULE IV

Powers of Appointment

Under Schedule IV should be stated all property which the decedent at any time held subject to a power of appointment vested in him either by will or by any other instrument. A copy of the instrument granting the power of appointment should be attached and also a copy of the instrument exercising the power of appointment, if not a will previously filed for probate. The return must include all property held subject to a power, whether or not the power was exercised.

If decedent at any time held property subject to a power of appointment prepare a schedule headed "Schedule IV" and give the following information: (1) Date of instrument creating power; (2) Type of instrument creating power; (3) Description of property; (4) Person to whom appointed and relationship to decedent; (5) Estimated value at date of death; (6) If real property county assessor's true and full value at date of death.

1. Did the decedent have power of appointment over any real estate in Minnesota or of any personal property?

Ans. Yes or No.....**No**

2. Did decedent exercise power of appointment?

Ans. Yes or No.....**No**

AFFIDAVIT

I, the undersigned representative of the estate of the above named decedent do hereby swear that I have carefully examined the foregoing return, including the separate sheets attached, if any, and that, to the best of my knowledge, information and belief, herein is listed all of the property required by law to be included in said return; that all questions have been truly answered; that I have no knowledge of any transfers required to be included in this return except as stated; and that to the best of my knowledge, information and belief the values shown in the foregoing schedules are the true and full values as of the date of the decedent's death; and that all statements made herein are true and correct.

(Signature) _____

(Address) _____

Joseph J. Dace

Richmond, Minnesota.

Subscribed and sworn to before me this

14th

day of

Sept

, 19*44*

Henry Flint

HENRY FLINT, Notary Public,
Richmond, Stearns County, Minn.
My Commission expires Aug. 10th, 1950

File No. 13,355

STATE OF MINNESOTA

County of Stearns

Re: Estate of

Philip Weyland
Decedent.

INHERITANCE TAX RETURN

Filed

Sept 15 1944
Frank Herzog
Clerk of Probate Court

Name William A. Boerger

Address St. Cloud, Minnesota.
Attorney.

Form approved by G. Howard Spaeth
Commissioner of Taxation of Minnesota
By Franklin B. Stevens, Director
Division of Inheritance and Gift Taxes

August 5, 1939.

0030 1047

0030 1049

OFFSETS

When Allowed or
Disallowed

FINAL BALANCE

REMARKS

NATURE OF OFFSET

Amount of
Offset

Amount
Allowed

Amount
Disallowed

Month

Day

Year

38500

TOTAL

By the Court

E. J. Hughes
Judge of Probate.

No. 13,355

State of Minnesota,
County of Stearns

PROBATE COURT

In the Matter of the Estate of

Philip Heyland
Deceased

ORDER ON CLAIMS

Filed this 8th day of
December, 1944

Frank Herzog
Clerk Judge of Probate

By _____ Deputy

Recorded in Book 6 of Claims

Page 96

State of Minnesota,

IN PROBATE COURT

County of Stearns

In the Matter of the Estate of

Philip Weyland

Decedent.

Your petitioner State to the Court as follows:

That the above named decedent died on the 21st day of April,
1944, and was then under contract in writing to convey by Warranty deed to
John Zierden and Elizabeth Zierden, his wife,
heirs or assigns, that certain tract of land lying in the County of Stearns

State of Minnesota, described as follows to-wit:

Being all that tract of land of the Northeast Quarter (NE $\frac{1}{4}$) lying South of the St. Cloud and Willmar Branch of the Great Northern Railway line as the same is now located, constructed and operated across Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Twenty-three (123) North, of Range Thirty-one (31) West, being about thirty (30) acres more or less. Less that part lying within and bounded by the following metes and bounds, viz: Commencing at a point two hundred twenty (220) feet due East of the West line of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Twenty-three (123) North, of Range Thirty-one (31) West, and one hundred (100) feet due South of the main tract of the St. Cloud and Willmar Branch of the Great Northern Railway line as the same is now located, constructed and operated across the said Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-four (24), which point is the place of beginning; thence running in a northeasterly direction and parallel with the center line of said main track of said St. Cloud and Willmar Branch, One Hundred (100) feet; thence running due South fifty (50) feet; thence running in a southwesterly direction and parallel with the center line of the said main track of the said St. Cloud and Willmar Branch One Hundred (100) feet; thence running due North Fifty (50) feet to the place of beginning

(Set out assignment of contract, if any)

That all the terms and conditions of said contract on the part of said grantee therein, their
heirs and assigns, have been kept and performed; and that your petitioner s are now en-
titled to such conveyance of said land according to the terms and conditions of said contract.

Wherefore, your petitioners pray that the Executor

of said decedent be directed by the Court to convey said real estate to your petitioner according to the terms and conditions of said contract, in all respects the same as said decedent might be compelled to convey the same if living.

John Zierden
Elizabeth Zierden

Petitioner

State of Minnesota,

County of Stearns

} ss.

John Zierden and Elizabeth Zierden, his wife,

being duly sworn, on oath says; that they are the person who made and signed the foregoing petition; that they know the contents of said petition, and that the same is true of their own knowledge.

Subscribed and sworn to before me this

2 day of February 19 45

Notary Public,
Minnesota.

County,

My Commission expires

John Zierden
Elizabeth Zierden

State of Minnesota,

County of Stearns

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Philip Weyland

Decedent.

Petition for Conveyance of Land
Pursuant to Contract.

Filed this 14th day of
February 19 45

Frank E. L. S. J. O. A.
Clerk - ~~Frank E. L. S. J. O. A.~~

State of Minnesota,

County of

Stearns

} ss.

IN PROBATE COURT.

In the Matter of the Estate of

Philip Weyland,

Decedent.

ORDER ALLOWING FINAL ACCOUNT.

The above entitled matter came on to be heard on the 16th day of March, 19 45, upon the petition of the representative of the above named estate praying for the allowance of his final account and for distribution of the residue of said estate.

The said representative appeared in person and by his attorney, William A. Boerger, Esq., and no one appeared in opposition.

The Court after due consideration of said petition, the evidence adduced in support thereof, and the files and records in said matter, finds the following facts:

First—That due notice of the said hearing of said petition has been given as required by law by the publication of the citation of this Court, for said hearing, dated the 19th day of February, 19 45, in the Richmond Reporter, proof of publication of said notice of hearing and service by mail having been filed in this court.

Second—That the said final account set forth in said petition has been examined, adjusted and settled by the Court, and as so adjusted and settled, is hereby found to be correct; a summary statement of which account is as follows, to-wit:

RECEIPTS

Personal estate as described in the inventory	\$ 6222.53
Personal estate omitted from the inventory	\$
Gain by sales above appraised value	\$ 77.50
Cash from sales of real estate	\$
Cash from rent of real estate	\$ 243.50
Cash from interest and profits	\$ 81.05
Cash from other sources	\$
	\$
	\$
Total receipts from all sources	\$ 6623.58

DISBURSEMENTS AND CREDITS

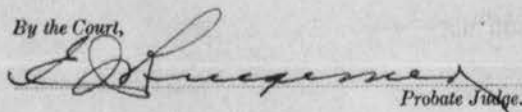
Estate selected for surviving spouse	\$
Maintenance of family of decedent	\$ 350.00
Expenses of administration	\$ 317.58
Expenses of last sickness	\$
Funeral expenses	\$ 385.00
Taxes	\$
Claims of creditors of decedent	\$
Legacies	\$ 525.00
	\$
	\$
Residue on hand for distribution	\$ 5046.00
Total credits	\$ 6623.58

Third—That all taxes, including personal property taxes, 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 March 16th, 1945

By the Court,


Probate Judge.

No. 13,365

State of Minnesota,

County of Stearns

PROBATE COURT.

In the Matter of the Estate of

Philip Weyland

Decedent

Order Allowing Final Account.

Filed this 16th day of

March, 1945, and

recorded in Book No. 27 of Orders,

on Page 362.


Clerk of Probate.

No. 1364*

State of Minnesota,

County of Stearns

IN PROBATE COURT

File No. 13,355

In the Matter of the Estate of

Philip Weyland

Deceased.

Decree for Conveyance

The above entitled matter came on to be heard on the 2nd day of March 19 45, upon the petition of John Zierden and Elizabeth Zierden for conveyance of certain real estate therein described, pursuant to a contract in writing made by the decedent and petitioners.

Said petitioner^s appeared in person

and no one

appeared in opposition to said petition; and the court having duly considered said petition, and the evidence adduced in relation thereto finds the following facts;

That due notice of said hearing was given by mailing to all known interested parties.

That said decedent was at the time of his death obligated by said contract to convey to John Zierden and Elizabeth Zierden, his wife,

by warranty deed, the tract of land lying in the County of Stearns, State of Minnesota, described as follows, to-wit: Being all that tract of land of the Northeast Quarter (NE $\frac{1}{4}$) lying South of the St. Cloud and Willmar Branch of the Great Northern Railway line as the same is now located, constructed and operated across Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Twenty-three (123) North, of Range Thirty-one (31) West, being about thirty (30) acres more or less; less that part lying within and bounded by the following metes and bounds, viz: Commencing at a point two hundred twenty (220) feet due East of the West line of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Twenty-three (123) North, of Range Thirty-one (31) West, and one hundred (100) feet due South of the main track of the St. Cloud and Willmar Branch of the Great Northern Railway line as the same is now located, constructed and operated across the said Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-four (24), which point is the place of beginning; thence running in a northeasterly direction and parallel with the center line of said main track of said St. Cloud and Willmar Branch, one hundred (100) feet; thence running due South fifty (50) feet; thence running in a southwesterly direction and parallel with the center line of the said main track of the said St. Cloud and Willmar Branch One hundred (100) feet; thence running due North fifty (50) feet to the place of beginning,

upon performance of the terms of said contract by said vendee^s, and that the vendee's interest in said contract is now owned by the vendees.

That the terms and conditions of said contract upon the performance of which the vendee^s therein named, being the petitioners herein, should be entitled to such conveyance have been performed; that said decedent, if now living, might be compelled to make such conveyance to said petitioner^s; and that it appears to the satisfaction of the court that such conveyance should now be made.

It is Therefore Hereby Ordered. That

Joseph J. Doll

as

representative

of the estate of said decedent, be, and hereby is authorized and directed to convey said land to said petitioner^s by warranty deed, pursuant to the terms of said contract.

Dated at St. Cloud, Minn.

this

2nd

day of

March

19 45.

Joseph J. Doll
Judge of Probate.

File No. 13,355

State of Minnesota, }
 County of Stearns

PROBATE COURT

In the Matter of the Estate of
 Philip Weyland
 Deceased.

Decree for Conveyance
 Pursuant to Decedent's Contract

Office of Register of Deeds.

State of Minnesota, }
 County of

I hereby certify that the within Instru-
 ment was filed in this office for record
 on the day of
 19, at o'clock M.,
 and was duly recorded in Book
 of, page

Register of Deeds.

By Deputy.

Filed this 2nd day of March,
 19 45, and recorded in Book 68
 of Decrees, page 195.

Clerk of Probate.

Security—St. Cloud

State of Minnesota,
 County of

ss.

PROBATE COURT

I, of the Probate Court, within
 and for said County, and Custodian of the Seal and Records of said Court, do hereby certify that I have compared the fore-
 going copy
 with the original record thereof preserved in this office and have found the same to be a correct transcript of the whole thereof.

In Testimony Whereof, I have herunto subscribed my name and affixed the
 Seal of said Court, at
 day of, 19

of the Probate Court.

State of Minnesota,

Stearns

County of

IN PROBATE COURT

File No. 13,355

In the Matter of the Estate of

Philip Weyland,

Decedent.

Final Decree of Distribution

The above entitled matter came on to be heard on the 16th day of March, 1945, upon the petition of the representative of said estate for the distribution of the residue of said estate to the persons thereunto entitled.

The representative of said estate appeared in person and by attorney, William A. Boerger, Esq., and no one appeared in opposition thereto.

And the court having considered the evidence produced at said hearing, the arguments of counsel, and the files and records in said matter, finds the following facts:

FIRST—That notice of said hearing has been duly given and served as required by law and the order of this court for said hearing.

SECOND—That the said estate has been in all respects fully administered, and the expenses of the administration thereof and of the last sickness and burial of said decedent, and all claims allowed against said estate have been fully paid,

and that said representative has filed his final account herein which has been settled and allowed by the Court. That all inheritance taxes determined by the Court to be due the State of Minnesota have been paid.

THIRD—That said decedent died testate on the 25th day of July, 1944, and at the time of his death decedent was a resident of the County of Stearns and State of Minnesota.

FOURTH—That the residue of the estate of said decedent for distribution consists of the following property, to-wit:

(A) Personal property of the value of \$ 5046.00 comprising the following items:

Household Goods	\$100.00
Clothing	5.00
C. D. Richmond State Bank	1000.00
Cash in the sum of	3941.00
Total	\$5046.00

(B) Real property described as follows: The homestead of decedent situate in the County of _____
 Stearns _____, State of Minnesota, described as follows, to-wit:

Lots Seven (7) and Eight (8) in Block Three (3), Bruning's Addition to the Village of Richmond, which was bequeathed by the last will and testament to Mary Krause Weyland, widow of decedent, absolutely.

(C) Other tract ^S of land lying and being in the County of _____ Stearns _____
 State of Minnesota, described as follows, to-wit:

The North Half of the Southwest Quarter of the Northeast Quarter ($N\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$); the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4}$), and the East sixty and 24/100 (60.24) acres of the North Half of the Northwest Quarter ($N\frac{1}{2} NW\frac{1}{4}$), all of Section Five (5), Township One Hundred twenty-three (123) North, of Range Thirty (30) West. Also the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$); the south 14.42 acres of Lots Four (4), Lot Three (3) less 7.36 acres platted; Lots Seven (7) and Eight (8) and the West Half of the Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$) less fractional 2.72 acres, all in Section Thirty-two (32), Township One Hundred Twenty-four (124) North, Range Thirty (30) West, all of which was bequeathed by the last will and testament of decedent to the hereinafter named five grandchildren of decedent in equal shares, in fee simple; -

Eugene Heinen, Linus Heinen, Celestine Heinen, John Heinen and Ralph Heinen.

FIFTH—That ~~the~~ following named persons ~~among them~~ is the residuary devisee and legatee

of said decedent, and ~~one of~~ of the persons entitled to the residue of said estate of said decedent, to-wit:

Mary Krause Weyland, surviving spouse of decedent.

Now, Therefore, On motion of William A. Boerger, Esq.,
attorney for the

representative of said estate, and by virtue of the power and authority vested in this court by law, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, and the said court does hereby ORDER, ADJUDGE AND DECREE, that all and singular the above described personal property be, and the same hereby is, assigned to and vested in the above named persons, in the following proportions and estates, to-wit:

All thereof to the said Mary Krause Weyland, absolutely.

And that the title to the above described real estate

has passed to and is hereby assigned to and vested in the above named persons in the following proportions and estates, to-wit:

The Homestead hereinbefore described to Mary Krause Weyland, surviving spouse of decedent, in fee simple absolutely.

All the other real estate hereinabove described, in equal undivided shares, share and share alike, to Eugene Heinen, Linus Heinen, Celestine Heinen, John Heinen and Ralph Heinen, in fee simple, forever.

To Have and to Hold the Same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining to the said above named person^s, their heirs and assigns; without prejudice, however, to any lawful conveyance of said property or any part thereof by said persons, or any of them, heretofore made.

Dated at St. Cloud, Minn., this 16th day of March, 1945



E. J. Ruggen
Probate Judge.

State of Minnesota,

County of _____

ss.

PROBATE COURT

I, _____ of the Probate Court within and for said County, and Custodian of the Seal and Records of said Court, do hereby certify that I have compared the foregoing copy of Final Decree of Distribution with the original record thereof preserved in this office and have found the same to be a correct transcript of the whole thereof.

In Testimony Whereof, I have hereunto subscribed my name and affixed the Seal of said Court, at _____, in said County, this _____ day of _____, 19____.

_____ of the Probate Court.

File No. 13,355

State of Minnesota.

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

Philip Weyland

Deceased.

Final Decree of Distribution

Office of Register of Deeds,

State of Minnesota.

County of _____

I hereby certify that the within Instrument was filed in this office for record on

the _____ day of _____,

19____, at _____ o'clock _____ M.,

and was duly recorded in Book _____

of _____, page _____,

Register of Deeds.

By _____ Deputy.

Transfer entered this _____ day of _____, 19____.

County Auditor.

By _____ Deputy.

Filed this 16th day of March, 1945,

and recorded in Book 27

of Deeds, page 252

Frank Heinen

Deputy Clerk of Probate Court.

No. 1881*

In the matter of the estate of
PHILIP WEYLAND, Decedent.

PETITION FOR DECREE OF INCORRECTLY
DESCRIBED PROPERTY.

Your petitioner respectfully represents and shows:

1. That the said decedent died testate, a resident of the village of Richmond, Stearns County, Minnesota, on the 24th day of July, 1944, in the County of Stearns, State of Minnesota, and at the time of his death was 83 years of age, his post office address then being Richmond, Minnesota.

2. That the estate of said decedent was probated in said County and a decree was made and entered in said estate, dated March 16, 1945.

3. That the following described property was incorrectly described in said decree, to-wit:

Non-homestead property in Stearns County, Minnesota, described as follows:
The northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and that part of the Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) described as follows:
Beginning at a point 38 rods east of the Northwest corner of Section Five (5); thence running East 42 rods; thence south 80 rods; thence West 38 rods; and thence in a northwesterly direction, to the place of beginning, said NE $\frac{1}{4}$ NW $\frac{1}{4}$ and that part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ described above containing in all 60.24 acres, in Section Five (5), Township One Hundred Twenty-three (123) North, Range Thirty (30) West.

The South 14.42 acres of Government Lot Four (4); Government Lot Three (3), less that part platted as Rearrangement of Forsite Addition, and less the following/described tracts: (1) tract conveyed to R. L. Deming by deed dated November 8, 1939, recorded December 29, 1939, in Book 206 of Deeds, page 532; (2) tract conveyed to Joseph A. Castle and Mabel H. Castle by deed dated December 29, 1939, recorded December 30, 1939, in Book 206 of Deeds, page 535; (3) tract conveyed to LeRoy P. Parker and Florence Parker, by deed dated July 24, 1943, recorded December 31, 1943, in Book 226 of Deeds, page 594; (4) tract conveyed to Nicholas Peter Weyland by deed dated October 29, 1943, recorded February 15, 1944, in Book 240 of Deeds, page 321; and the West one-half of the Southeast quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) less that part platted as Rearrangement of Forsite Addition, and less the East two (2) rods of said W $\frac{1}{2}$ SE $\frac{1}{4}$ between the South boundary of Rearrangement of Forsite Addition and the south boundary of said section, and less also the following tract: beginning at a point 17.76 feet South and North 73° 10' West 34.48 feet of the Southeasterly corner of Lot Eleven (11) of the Rearrangement of Forsite Addition on Big Fish Lake, said last described point being the point of beginning of the excepted tract herein described; thence North 73° 10' West 228.26 feet; thence Northwesterly along the West line of said Forsite Addition a distance of 64.48 feet; thence

due South 191.94 feet; thence South $73^{\circ} 10'$ East a distance of 289 feet; thence due North 134.24 feet to the point of beginning, said $\frac{1}{2}$ SE $\frac{1}{4}$ being subject to a road easement as described in deed dated November 8, 1939, recorded December 29, 1939, in Book 206 of Deeds, page 532; all in Section Thirty-two (32), Township One Hundred Twenty-four (124) North, Range Thirty (30) West, in Stearns County, Minnesota.

That the net value of the real estate in Section 5, Township 123, Range 30, described above, together with the $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ in said section which were correctly described in said decree, at the date of death was \$ 5,000.00

That the net value of the real estate in Section 32, Township 124, Range 30, described above, together with the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and Government Lots 7 & 8 in said section which were correctly described in said decree, at the date of death was\$ 7,000.00

Encumbrances None

4. That the correct description of the property and whether a part thereof is a homestead or not with the values and encumbrances at the date of death of the decedent is as hereinbefore set out.

5. That there are no unpaid claims in said estate and that said property was subject to inheritance tax.

6. That the interest of your petitioner in said property is as follows, viz.:

Grandson of decedent and devisee named in will.

7. That the names, present ages, relationship, and addresses of the devisees of the above described real estate named in the will of said decedent are as follows, to-wit:

Names	Ages	Relationship	Addresses
Eugene Heinen	27	Grandson	Cold Spring, Minnesota
Linus Heinen	26	Grandson	Cold Spring, Minnesota
Celestine Heinen	25	Grandson	Cold Spring, Minnesota
John Heinen	23	Grandson	Cold Spring, Minnesota
Ralph Heinen	21	Grandson	Cold Spring, Minnesota

WHEREFORE, your petitioner prays that the descent of said property be determined and that it be assigned to the persons entitled thereto pursuant to M. S. A. 525.314.

Dated September 1, 1960

Eugene Heinen

VERIFICATION

STATE OF MINNESOTA
ss
COUNTY OF STEARNS

Eugene Heinen, being duly sworn, on oath says, that he is the person who makes the foregoing petition in the above entitled matter; that he has read said petition and knows the contents thereof, and that the same is true of his own knowledge, except as to those matters therein stated on information and belief, and that as to those matters he believes it to be true.

Eugene Heinen

Subscribed and sworn to before me this

3rd day of September, 1960

Julia Stein
Julia Stein, Notary Public
Stearns County, Minnesota
My commission expires October 29, 1964

0030 1061

STATE OF MINNESOTA

COUNTY OF STEARNS

IN PROBATE COURT

In the matter of the estate of
PHILIP WEYLAND, Decedent.

PETITION FOR DECREE OF INCORRECTLY
DESCRIBED PROPERTY.

Filed this 16th day of

September, 1960

Roselyn Kuyhouse
Clerk

00301063

State of Minnesota, }
County of Stearns } ss.

IN PROBATE COURT

FILE No. 13,355

In the Matter of the Estate of }
Philip Weyland, }
Decedent.

DECREE OF ~~OMITTED OR~~ INCORRECTLY
DESCRIBED PROPERTY

The above entitled matter came on to be heard on the 16th day of September, 1960, upon the petition of Eugene Heinen praying for the judicial determination of the descent of property hereinafter described belonging to said decedent at the time of his death. The petitioner appeared in person and by attorney, S. Russell & Willenbring, and no one appeared in opposition to said petition.

And the Court having considered the evidence and the files and records in said matter finds the following facts:

waived by the Court.

FIRST—That notice of said hearing has been ~~given by the petitioner and the order of this Court for said hearing~~

SECOND—That the petitioner has an interest in the property of said decedent hereinafter described as follows, to-wit:

That he is a grandson and devisee named in the will.

THIRD—That said estate was heretofore probated in this Court and a final decree of distribution issued therein on the 16th day of March, 1945, and that in said decree the property hereinafter described was incorrectly described. That the time for appeal from said decree has expired.

FOURTH—That in said prior probate proceedings all claims of creditors allowed were paid in full. That there are no unpaid claims against said property.

FIFTH—~~That the inheritance tax due the State of Minnesota from said estate has been paid~~ That there is now no inheritance tax due the State of Minnesota from said estate.

(A) *Personal property comprising the following items, to-wit:*

None

(B) *The homestead of the decedent situated in the County of* _____

State of Minnesota, described as follows, to-wit:

None

(C) Other tracts of land lying and being in the County of Stearns

State of Minnesota, described as follows, to-wit:

(C) Other tracts of land lying and being in the County of.....Stearns

State of Minnesota, described as follows, to-wit:

The northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and that part of the Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) described as follows: Beginning at a point 38 rods east of the Northwest corner of Section Five (5); thence running East 42 rods; thence south 80 rods; thence West 38 rods; and thence in a northwesterly direction, to the place of beginning, said NE $\frac{1}{4}$ NW $\frac{1}{4}$ and that part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ described above containing in all 60.24 acres, in Section Five (5), Township One Hundred Twenty-three (123) North, Range Thirty (30) West. The South 14.42 acres of Government Lot Four (4); Government Lot Three (3), less that part platted as Rearrangement of Forsite Addition, and less the following four described tracts: (1) tract conveyed to R. L. Deming by deed dated November 8, 1939, recorded December 29, 1939, in Book 206 of Deeds, page 532; (2) tract conveyed to Joseph A. Castle and Mabel H. Castle by deed dated December 29, 1939, recorded December 30, 1939, in Book 206 of Deeds, page 535; (3) tract conveyed to LeRoy P. Parker and Florence Parker, by deed dated July 24, 1943, recorded December 31, 1943, in Book 226 of Deeds, page 594; (4) tract conveyed to Nicholas Peter Weyland by deed dated October 29, 1943, recorded February 15, 1944, in Book 240 of Deeds, page 321; and the West one-half of the Southeast quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) less that part platted as Rearrangement of Forsite Addition, and less the East two (2) rods of said W $\frac{1}{2}$ SE $\frac{1}{4}$ between the South boundary of Rearrangement of Forsite Addition and the south boundary of said section, and less also the following tract: beginning at a point 17.76 feet South and North 73° 10' West 34.48 feet of the Southeasterly corner of Lot Eleven (11) of the Rearrangement of Forsite Addition on Big Fish Lake, said last described point being the point of beginning of the excepted tract herein described; thence North 73° 10' West 228.26 feet; thence Northwesterly along the West line of said Forsite Addition a distance of 64.48 feet; thence due South 191.94 feet; thence South 73° 10' East a distance of 289 feet; thence due North 134.24 feet to the point of beginning, said W $\frac{1}{2}$ SE $\frac{1}{4}$ being subject to a road easement as described in deed dated November 8, 1939, recorded December 29, 1939, in Book 206 of Deeds, page 532; all in Section Thirty-two (32), Township One Hundred Twenty-four (124) North, Range Thirty (30) West, in Stearns County, Minnesota.

SEVENTH—That the following named persons are the..... devisees and legatees named
in the Last Will and testament

of said decedent as heretofore determined in the prior probate proceedings and are all of the persons entitled to his estate and
the property herein described, to-wit:

Eugene Heinen, grandson,
Linus Heinen, grandson,
Celestine Heinen, grandson,
John Heinen, grandson,
Ralph Heinen, grandson.

Now Therefore, on Motion of the attorney for the petitioner, and by virtue of the power and authority vested in this
Court by law, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, and the said Court does hereby ORDER,
ADJUDGE, AND DECREE, that all and singular the above described personal property be and the same hereby is assigned to
and vested in the above named persons in the following proportions and estates, to-wit:

None for distribution.

And that the title to the above described real estate.....

has passed to and is hereby assigned to and vested in the above named persons in the following proportions and estates, to-wit:

An undivided one-fifth (1/5) thereof to each of the said Eugene Heinen, Linus Heinen, Celestine Heinen, John Heinen and Ralph Heinen, in fee simple.

To Have and to Hold the Same, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said above named persons their heirs and assigns, without prejudice, however, to any lawful conveyance of said property or any part thereof by said persons, or any of them, heretofore made.

Dated at St. Cloud, Minnesota this 16th day of September, 1960

(PROBATE COURT SEAL)

Charles J. Meinz
Benton County Probate Judge,
Acting for Earl J. Meinz, Probate Judge
of Stearns County, Minnesota.
PROBATE COURT

State of Minnesota, }

County of

I,

of the Probate Court, within and for said County, and Custodian of the Seal and Records of said Court, do hereby certify that I have compared the foregoing copy of Decree of Omitted or Incorrectly Described Property with the original record thereof preserved in this office and have found the same to be a correct transcript of the whole thereof.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of said Court, at day of, 19.....



..... of the Probate Court.

File No. 13,355

State of Minnesota,

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

Phillip Weyland,

Decedent.

DECREE OF ~~OMITTED~~/OR/
INCORRECTLY DESCRIBED
PROPERTY

Office of Register of Deeds,

State of Minnesota.

County of
I hereby certify that the within Instru-
ment was filed in this office for record on
the day of
19....., at o'clock M.,
and was duly recorded in Book
of page

By Register of Deeds.
Deputy.

Transfer entered this day of 19.....

By County Auditor.
Deputy.

Filed this 16th day of September,
1960, and recorded in Book 110
of Deeds, page 101

Rosemary H. Housh
Probate Clerk.