



[Stearns County \(Minn.\)](#)
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13,356

State of Minnesota,

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

Charles A. Luzius }
Decedent.

Petition for Appointment of Special Administrator

Your petitioner respectfully represents and states to the court:

First—That he is a resident of St. Cloud in the County of Stearns State of Minnesota, and is interested in the said estate of decedent as Son and heir

Second—That said decedent died *vis* testate on the 2 day of Aug. 1944, at St. Cloud in the County of Stearns State of Minnesota, and at the time of his death was a resident of the County of Stearns State of Minn., citizen of U.S. and left estate in the County of Stearns, State of Minnesota, of the character and estimated value following, to-wit:

PERSONAL PROPERTY

(1st)	Household goods of the estimated value of	- - - - -	\$
(2nd)	Wearing apparel of the estimated value of	- - - - -	\$
(3rd)	Capital stock of the estimated value of	- - - - -	\$
(4th)	Notes, bonds, mortgages and other evidences of indebtedness of the estimated value of	- - - - -	\$
			\$ 400. ⁰⁰
			\$
			\$ 400. ⁰⁰
			\$
	Total personal property	- - - - -	\$

1. Homestead in none County, Minnesota, as follows:

A. City Property

(Give Area)

(or)

B. Rural Property

(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

Third—That it is necessary and expedient that a special administrator of said estate be appointed, for the following reasons:

To draw money from the Bank to pay funeral expenses

Fourth—That Walter J. Luzius who is a resident of St. Cloud, Stearns County, Minnesota, and whose post office address is St. Cloud is a suitable person to act as special administrator of said estate

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

Names	Ages Years	Relationship	Post Office Address
William E. Luginis	57	son	29-33rd Ave N. St. Cloud
Walter J. Luginis	54	son	29-33rd Ave N. " "
Marie Newker	30	adopted daughter	611 - Central Ave N.E. Mpls
Fred Luginis deceased			
Joseph Luginis	17	grand son	Laramie Wyoming
Loraine Luginis	20	" daughter	29-33rd Ave N. St. Cloud

Wherefore, Your petitioner prays that special administration of said estate be granted by the court; and that upon due qualification by him, special letters of administration be to said *Walter J. Luginis*

Dated *Aug 2*, 1944.

Walter J. Luginis
granted.
Walter J. Luginis

Petitioner.

State of Minnesota,

County of *Hennepin* } ss.

Walter J. Luginis

being duly sworn, on oath says that he is the person who made and signed the foregoing petition; that he has read the 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 as to those matters he believes it to be true.

Subscribed and Sworn to Before me this *2* day of *Aug*, 1944.

Walter J. Luginis

Notary Public *Charles* County, Minn.

My commission expires *Dec 5*, 1945

State of Minnesota,
County of *Hennepin*
PROBATE COURT

In the Matter of the Estate of
Charles A. Luginis
Petition for Appointment of
Special Administrator

Filed this *2nd* day of *August*, 1944.
Frank Peterson
Probate Court
Clerk.

State of Minnesota,

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

Charles A. Luzius

Decedent.

Order Granting Special Administration

On reading and filing the petition of Walter J. Luzius

praying that special administration of the estate of the above named decedent be granted to

Walter J. Luzius

, and upon due consideration of said petition

and the evidence adduced in support thereof, the court finds:

FIRST—That said decedent died on the 2nd day of August, 19 44,

and at the time of his death was a resident of the County of Stearns

State of Minnesota

, and at the time of his death left estate in the County of

Stearns

State of Minnesota.

SECOND—That special administration is necessary to accomplish (1) withdrawal of funds from a bank to pay funeral expenses of decedent.

THIRD—That it is necessary and expedient, for the preservation and best interests of said estate, that special administration of said estate be granted.

Now Therefore, it is Ordered, That special administration of said estate be, and the same hereby is, granted; and that Walter J. Luzius be, and he hereby is appointed such special administrator of said estate, to administer the same according to law until the further order of this court or the appointment and qualification of a general representative of said estate according to law; and that before letters of special administration are to him issued, he shall take and file his oath as required by law, and file his bond in the penal sum of Five Hundred and no/100 (\$500.00) Dollars, with sufficient sureties as provided by law, to be approved by the Judge of this court and conditioned as by law required.

Dated August 2nd, 19 44.

[Signature] Judge of Probate.

Note: (1) Here state the facts necessitating special administration.



State of Minnesota,
County of Stearns

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Charles A. Luzius
Decedent.

Order Granting Special Administration

Filed this 2nd day of

August 1944, and recorded

in Book " 24 " of Orders,

Page 388

Frank Kenzog
Clerk - ~~Judge~~ of Probate Court.

2181 1800

State of Minnesota,
County of Stearns

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Charles A. Luzius*Decedent.*

Letters of Special Administration.

Walter J. Luzius

having filed in this court his oath and bond to act as special administrator of the estate of the above named decedent, as required by law:

IT IS ORDERED, That the said Walter J. Luzius be, and he hereby is, appointed special administrator of said estate of said decedent, with full power to take charge of said estate, to collect all the personal property thereof, to care for, gather and secure crops, to preserve all the property of said estate for the executor or administrator who may hereafter be appointed of said estate, to commence and maintain actions in behalf of said estate; to make and return a true inventory of all the property of said estate to this court as speedily as possible; and by leave of this court, sell the personal property of said estate, take charge of the real property thereof and lease the same for a term not exceeding one year, and to do all other things necessary for the preservation of said estate, and which as such special administrator he may do pursuant to law, until the further order of this court or until a general representative of said estate is appointed and has qualified; and upon the termination of his said trust and wherever required by the court to account to this court for his doings hereunder, and upon the granting of letters testamentary or of administration to a general representative of said estate, to forthwith deliver to him all the property of said estate in his hands.

Dated August 2nd, 1944

E. J. Ruess
Probate Judge.

13,356

State of Minnesota,

County of Stearns

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Charles A. Luzius

LETTERS OF ADMINISTRATION
(Long Form)

Filed this 2nd day of
August 19 44, and recorded
in Book "1" of Letters,

Page 132

Frank Herzog
Clerk ~~of~~ Probate.

0031 1074

R-46**POWER OF ATTORNEY No. 46427*****Know All Men by These Presents:***

That this power of attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer and filed separately if desired.

That the Western Surety Company, a corporation, organized and existing under the laws of the State of South Dakota, does hereby make, constitute and appoint, Peter Ahles

in the city of St. Cloud County of Stearns State of Minnesota

with limited authority, its true and lawful agent and attorney-in-fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as surety and its acts and deed, the following bonds and no others.

(A) An Original Bond of ADMINISTRATOR, EXECUTOR, TRUSTEE, RECEIVER, REFEREE IN PARTITION required by any statute or decree of any court, or AN ADDITIONAL BOND for SALE OF REAL or PERSONAL PROPERTY where the Western Surety Company has the original Bond (excluding Receivers for the benefit of creditors in lieu of Federal Bankruptcy Proceedings), provided the penalty shall not exceed FIFTY THOUSAND (\$50,000.00) DOLLARS.

(B) An original bond required by a GUARDIAN or CONSERVATOR provided the penalty shall not exceed FIVE THOUSAND (\$5,000.00) DOLLARS.

(C) A TRUSTEE or RECEIVER IN BANKRUPTCY qualifying bond required in the United States Court, provided the penalty shall not exceed FIFTY THOUSAND (\$50,000.00) DOLLARS.

(D) A plaintiff's ATTACHMENT or REPLEVIN bond, or CLAIM AND DELIVERY bond, or INJUNCTION or FORECLOSURE bond provided the principal upon the bond is a corporation, or any department of the State or Federal Government acting in its own name or in the name of a duly appointed Superintendent, Trustee or Receiver, provided the penalty shall not exceed FIVE THOUSAND (\$5,000.00) DOLLARS.

(E) A bond or undertaking for COSTS ONLY or a REMOVAL bond to the Federal Court (no authority, expressed or implied, is given for the execution of open penalty, stay or supersedeas bonds or for the payment of Judgments, however styled), provided the penalty shall not exceed FIVE HUNDRED (\$500.00) DOLLARS.

(F) A bond required by any City, Town or County to be given and filed pursuant to the laws and ordinances regulating the granting of a LICENSE or PERMIT for the conducting of any business (excepting bonds for truckers or public carriers), provided the penalty shall not exceed THREE THOUSAND (\$3,000.00) DOLLARS.

(G) A NOTARY PUBLIC bond provided no such bond shall be in the penalty of more than SIX THOUSAND (\$6,000.00) DOLLARS.

(H) A Bond required to be filed by a PUBLIC OFFICIAL or employee, appointed or elected, (except treasurers of all kinds, sheriffs or other peace officers, constables and tax collectors) in qualifying for office, provided the penalty shall not exceed FIVE THOUSAND (\$5,000.00) DOLLARS.

(I) Any other bond or indemnity (not included in clauses A to H inclusive), provided there is attached to this Power of Attorney, written authority in the form of an endorsement, letter, or telegram, signed by the President, Vice-President, Secretary, Treasurer, or Assistant Secretary of the Western Surety Company of Sioux Falls, South Dakota.

The Company waives the requirement that the corporate seal be attached to the bond which this power of attorney authorizes executed.

The execution and acknowledgment by the said Attorney-in-Fact of any such bonds in pursuance of these presents, shall be as binding upon said Company as fully and amply to all intents and purposes as if such bond had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper person.

Provided, however, that this Power of Attorney does not authorize or empower said Attorney-in-Fact to give consent to any alterations or changes in terms, conditions or covenants of said bonds when once executed nor to any alterations or changes in the form or conditions of any contract on which this Company is surety nor to bind or in any way commit the said WESTERN SURETY COMPANY to any course or position whatever regarding adjustment of claims or complaints that may be made thereunder or in connection with any bond which may be executed by this Company.

ALL AUTHORITY HEREBY CONFERRED SHALL EXPIRE AND TERMINATE, WITHOUT NOTICE AT MIDNIGHT, MAY 31, 1946.

The Western Surety Company further certifies that the following is a true and correct copy of Section 7 of the By-Laws of the Western Surety Company, duly adopted and now in force, to-wit:

"Section 7. The President, any Vice-President, Secretary, any Assistant Secretary or Treasurer may appoint Attorneys in Fact, or Agents, who shall have authority to issue bonds, policies or undertakings in the name of the Company, subject to such rules and regulations as such officers may prescribe."

IN WITNESS WHEREOF, The said WESTERN SURETY COMPANY has caused these presents to be executed by its President and General Manager, with its corporate seal affixed this 2nd day of January, 1943.

ATTEST:

L.R. Sunding
Assistant Secretary

WESTERN SURETY COMPANY,
By Sauvigny
President and General Manager.

0031 1075

STATE OF SOUTH DAKOTA, }
COUNTY OF MINNEHAHA } ss.

On this 2nd day of January, 1943, before me, a Notary Public, personally appeared DAN KIRBY, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as President and General Manager of the said WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.

My Commission expires November 10, 1946

E. Walker

Notary Public, South Dakota.

STATE OF _____ }
COUNTY OF _____ } ss.

On this _____ day of _____ A. D. 19____, before me, a Notary Public, in and for said County, personally appeared _____, to me personally known and being by me duly sworn, did say, that he is the Attorney-in-Fact of the WESTERN SURETY COMPANY, a corporation of Sioux Falls, South Dakota, created, organized and existing under and by virtue of the laws of the State of South Dakota, that the said instrument was executed on behalf of the said corporation by authority of its Board of Directors and that the said

_____ acknowledges said instrument to be the free act and deed of said corporation and that he has authority to sign said instrument without affixing the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at _____
_____ the day and year last above written.

Notary Public.

My Commission expires _____

WESTERN SURETY COMPANY

0031 4076

State of Minnesota, }
County of Stearns }
IN THE MATTER OF THE ESTATE OF }
Charles A Luzius }
Decedent

IN PROBATE COURT

BOND

Know All Men by These Presents, That we Walter J Luzius, as principal,
and Western Surety Co.,

a corporation organized under the laws of the State of South Dakota,
and holding the certificate of the Insurance Commissioner of the State of Minnesota showing that it is authorized to contract
as surety upon bonds in said State of Minnesota, as surety, are held and firmly bound unto
E J Rue-emer, as Judge of Probate of the County of

Minnesota, in the sum of Five Hundred Dollars, lawful money of the United States, to be paid to said Judge of Probate, or his successor in office; for which payment well and truly to be made, we bind ourselves and each of our heirs, executors, administrators, successors, and assigns, firmly by these presents.

The Condition of This Obligation is Such, That if the above bounden Walter J Luzius, who has been appointed representative of the estate of the above named, Charles A Luzius shall well and faithfully discharge all the duties of trust as representative of said estate according to law, then this obligation shall be void; otherwise it shall remain in full force and virtue.

In Witness Whereof, Said principal has hereunto affixed his hand and seal; and the said surety has caused these presents to be signed by its Attorney in Fact and its corporate seal to be hereto attached by authority of its Board of Directors, this 2 day of August, 1944.

Signed, Sealed and Delivered in Presence of
Paul Ahles
Marie Salfelt

Walter J Luzius (Seal)
Western Surety Company (Seal)
By Attorney in Fact

ACKNOWLEDGMENT OF PRINCIPAL

State of Minnesota, } ss.
County of Stearns }
On this 2 day of August, 1944, before me personally appeared Walter J Luzius, to me well known to be the person who executed the foregoing bond as principal, and he acknowledged that he executed the same for the uses and purposes herein expressed as his free act and deed.
Notary Public, Stearns County, Minnesota.
My Commission Expires Dec 5, 1948

ACKNOWLEDGMENT OF SURETY

State of Minnesota, } ss.
County of Stearns }
On this 2 day of August, 1944, before me appeared Notary Public, to me personally known, who being by me duly sworn, did say that he is the Attorney in Fact of Western Surety Company, a corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was executed in behalf of said corporation by Peter Ahles atty in fact, by authority of its Board of Directors; and the said acknowledged said instrument to be the free act and deed of said corporation.
Notary Public, Stearns County, Minnesota.
My Commission Expires Feb 5, 1948.

APPROVAL

I hereby approve the within bond and the surety thereon, this 2 day of Aug, 19 44

E. J. Ruessner
Probate Judge.

OATH OF REPRESENTATIVE

State of Minnesota,

County of Stearns } ss.

I, Walter J Luzius

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 the above named Charles A Luzius

to the best of my ability and according to law, so help me God.

Walter J Luzius

Subscribed and sworn to before me this 2

day of August, 19 44

Peter Allen

Notary Public Stearns, County, Minnesota.

My Commission Expires Dec 5, 19 48

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State of Minnesota.

County of *Stearns*

PROBATE COURT

In the Matter of the Estate of

Charles A. Luzius
Decedent.

Bond and Oath of Representative
(SURETY COMPANY FORM)

Filed the 2nd day of August, 1944, and said bond recorded in Book 7 of

Bonds, page 105 of Probate Records.

Frank Henry
Clerk of Probate.

No. 3707*

STATE OF MINNESOTA }
COUNTY OF STEARNS }

ss

IN PROBATE COURT.

In the Matter of the Estate of)
Charles A. Luzius, Decedent.) ORDER ALLOWING FINAL ACCOUNT
AND DISCHARGING SPECIAL
ADMINISTRATOR.

The report and final account of Walter J. Luzius as special administrator of the estate of the above named decedent having been examined by the Court, a summary statement of which account is as follows:

RECEIPTS

Cash	<u>\$373.95</u>
	\$373.95

DISBURSEMENTS

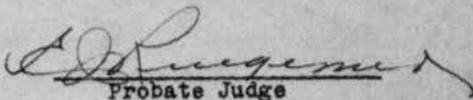
Funeral expenses	\$285.00	
Mrs. Susan Luzius for funeral expenses	30.00	
Burial Service	20.00	
Attorney's fees and bond	16.16	
Compensation and expenses of representative	22.79	
	<u>\$ 373.95</u>	<u>\$373.95</u>

And it appearing to the Court that said account is just and true and that there is no balance remaining in said estate.

IT IS THEREFORE ORDERED, That said account be, and the same is hereby allowed as filed, and that the special administrator and the surety on his bond be, and they hereby are discharged and released from any and all further duties and liability in said matter and by reason of said bond.

Dated at St. Cloud, Minnesota, this 27th day of September, 1944.

By the Court:


Probate Judge

STATE OF MINNESOTA
COUNTY OF STEARNS

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF
Charles A. Luzius, Deceased.

FINAL ACCOUNT AND PETITION
FOR DISCHARGE OF SPECIAL
REPRESENTATIVE.

Comes now Walter J. Luzius, administrator of the estate of Charles A. Luzius and represents and shows to the court as follows:

I.

That Walter J. Luzius was appointed as special administrator of the estate of Charles A. Luzius on the 2 day of August, 1944.

II

That Chas. A. Luzius died on the 2 day of August, 1944 intestate.

III

That the special administrator Walter J. Luzius duly qualified and filed his bond as such representative and collected all of the assets of the deceased Charles A. Luzius, which said assets consisted of cash money on deposit in the Zapp State Bank of St. Cloud, Minnesota in the sum of \$373.95. That it appears that there is no money or property in said estate to be assigned and that all of the moneys collected by the special representative will be required to pay the funeral expenses of the decedent and the expense of special administration.

That the special administrator herewith renders his final account as follows:

RECEIPTS

Cash on hand	\$373.95
	\$373.95

DISBURSEMENTS

Funeral expenses	\$285.00	R
Mrs. Susan Luzius for funeral exp.	30.00	R
Burial service	20.00	R
Attorney's fees and bond	18.18	R
Compensation & expense of representative	22.79	R
	\$ 373.95	\$ 373.95

WHEREFORE your petitioner prays that his final account be allowed and that upon said allowance, your petitioner as special administrator will be discharged and the sureties on his bond released.

Dated September 27, 1944.

Walter J. Luzius
Petitioner

STATE OF MINNESOTA
COUNTY OF STEARNS ss

Walter J. Luzius 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.

Subscribed and sworn to before me this 27th day of Sept. 1944.

Peter White
Notary Public Stearns Co. Minn

My commission expires Dec. 5, 1948.

Walter J. Luzius
Representative

13,356

MINNESOTA

OF STEARNS

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF
CHARLES A. LUZIUS DECEASED

FINAL ACCOUNT AND PETITION
FOR DISCHARGE OF SPECIAL
REPRESENTATIVE

FILED THIS 27th DAY
OF Sept. A.D. 1944
Frank Herzog
Clerk of Probate

AHLES & AHLES
Attorneys for Petitioner
803 1/2 St. Germain St.
St. Cloud, Minn

00311083

13,357

STATE OF MINNESOTA,

County of Stearns

IN PROBATE COURT

In the Matter of the }
Insanity
~~Inebriety~~
~~Feeble-mindedness~~
~~Epilepsy~~

Of Elizabeth Schibilla

To the Honorable Probate Judge of said County:

Your petitioner respectfully represents to the Court and alleges that

Elizabeth Schibilla

whose address is Holdingsford, Minnesota

is an insane person.
(Insane-Inebriate-Feeble-minded-Epileptic)

That your petitioner is related to the said above named person as follows: husband

That the indications of insanity manifested by h^{er} are as follows:
(Insanity-Inebriety-Feeble-mindedness-Epilepsy)

(Here give fully the symptoms on which the charge of insanity is based.)

Threatened to commit suicide by jumping in river. Gets violent spells, throwing things around, such as chairs, scizzors etc.

That the reasons for making this application are: Commitment to State Hospital for treatment.

That the said alleged insane person will not appear in Court voluntarily, and that it will be necessary to issue a warrant to bring h^{er} before this Court.
(Insane-Inebriate-Feeble-minded-Epileptic)

That the name and address of the nearest relatives of the said patient are:

NAME	ADDRESS	RELATIONSHIP
<u>Ambrose Schibilla</u>	<u>Holdingsford</u>	<u>Husband</u>
<u>Parents both dead</u>		
<u>John Schibilla</u>	<u>Holdingsford</u>	<u>Father-in-law</u>

That said Elizabeth Schibilla was born in Elmdale Twp. Morrison Co., Minn., is about 20 years of age, and the parent of no children.

That h^{er} residence and place of legal settlement is Stearns County, Minnesota.
(If not a resident of Minnesota, set out as fully as possible where he came from, how long he has been in the County named.)

That said alleged insane person is not a United States War Veteran.
not-spouse-child

That restraint has been employed. Had to ask sister to come
and take care of her to permit men in family
to do farm work
That the supposed cause of (she is 6 months pregnant)
(Insanity-Idiotism-Feeble-mindedness-Epilepsy)

is.....

That the said patient has been treated by Dr. Watson, Royalton.

That the said patient is the owner of the following described real
and personal property, to-wit: none

WHEREFORE, your petitioner prays that this Court will make due inquiry into the matter, and to that end that said
above named person be brought into said Court and examined as to said alleged insanity
(Insanity-Idiotism-Feeble-mindedness-Epilepsy)

and if found to be insane that he be committed in accordance with
(Insane-Idiotism-Feeble-minded-Epileptic)
the statutes in such case made and provided.

Ambrose Schibilla

STATE OF MINNESOTA, }
County of Stearns } ss.

Ambrose Schibilla

being first duly sworn, deposes and
says that he is the petitioner in the foregoing petition; that he knows the contents thereof, and that the averments of said
petition are true of his own knowledge, save as to such as are stated on information and belief, and as to those he
believes them to be true.

Ambrose Schibilla

Subscribed and sworn to before me this 2nd day of August, 1944.

Frank Herzog
Clerk of Probate
Stearns County, Minnesota.

13, 357

State of Minnesota,
County of Stearns
PROBATE COURT

In the Matter of the }
Estate of Elizabeth Schibilla }
Insanity
Idiotism
Feeble-mindedness
Epilepsy

Of Elizabeth Schibilla

PETITION

Filed this 2nd day of
August, 1944.

Frank Herzog
Clerk of Probate
Form prescribed by State Board of Com-
trol, pursuant to Code 1935.

State of Minnesota, }
 County of Stearns }

PROBATE COURT
 Report of Examination

In the Matter of the Insanity of

Elyzabeth Schibilla }

1. (a) Date of birth July 7, 1924
 (b) Place of birth Harrison Co Minn
 (c) Single married widowed divorced
 (d) Number of children living 0
 (e) Date of birth of youngest child - (now pregnant 6 mos)

2. (a) Legal settlement at Stearns county of Stearns
 State of Minnesota,
 (b) Resident of Minnesota since for life
 (c) Resident of Stearns county since Oct '43

3. (a) Occupation Housewife
 (b) Education 8th grade

4. Religion Catholic

5. Patient is not entitled to care in an institution of the U. S. in Minnesota.

6. (a) Name of patient's father Edward Matig
 (b) Place of birth of patient's father Does not know
 (c) Maiden name of patient's mother Katy August Krugel
 (d) Place of birth of patient's mother Minnesota

7. Patient's parents were not related to each other as first cousins.

8. The patient was not committed by _____ County Probate
 Court on _____, 19____ to _____ State Hospital.

9. Date of onset and present symptoms of this psychosis Gradual during the past two months. States she is nervous as her husband is gone away so much to help his father. States husband did not want children & since she is pregnant he picks on her all the time. all of which is quite mental discord superimposed on 6 months pregnancy. Is nervous because husband gets parents over after chores are done

10. Psychosis appears to be increasing ~~decreasing~~ stationary.

11. (a) The patient has not injured or threatened others.
 (b) The patient has never attempted or threatened suicide except by drowning
 on or about _____
 (c) Propensity to suicide is _____ present now

12. (a) The patient has no filthy habits.
 (b) The patient is _____ destructive of late by throwing things around

13. (a) The patient's father was _____ psychotic, alcoholic
 (b) The patient's mother was not psychotic, died at 41
 (c) The following relatives of the patient were psychotic, none

14. Prior to this psychosis there were no peculiarities of personality reactions except none

15. (a) The patient has been intemperate in the use of alcohol or habit forming drugs as follows: none except when out some place of an evening

(b) The patient's parents have been intemperate in the use of alcohol or habit forming drugs as follows:
Father heavy drinker.
Mother teetotal.

16. The patient has had no epilepsy; yes convulsions; no skull fracture; no syphilis; no other serious diseases

17. (a) The patient has not been confined in _____ hospital, _____ Minnesota for _____ days.

(b) The patient is suffering from no acute disease other than insanity except pregnancy

(c) The patient's temperature is 98°, pulse n

18. (a) Name and address of patient's spouse - nearest kindred - friend Asntrose Schibilla husband, RR 2 Hockingford, N. J.

(b) Name and address of patient's family physician Dr. W. M. Watson, Roylton, N. J.

19. Names of material witnesses at examination Mrs. Mary Byers.

From an examination of the patient and upon the evidence adduced at the examination we find the above named patient

not to be insane.

[Signature] M. D.
[Signature] M. D.
E. B. Scherer Probate Judge
Court Commissioner

Dated Aug 2, 1944
(COURT SEAL)

Report Sept 5th

13, 357

State of Minnesota,
County of Stearns
In Probate Court
IN THE MATTER OF THE INSANITY OF
Elizabeth Schibilla

Report of Examination
Insanity
(B. C. 1935 Form No. 232-a)

Filed this 2nd day of
AUGUST, 1944
[Signature]
Clerk - Probate Judge

No. 3551*

State of Minnesota,

County of Stearns

} ss.

IN PROBATE COURT

In the Matter of the ~~Insanity~~
~~of Elizabeth Schibilla~~
~~vs. The State of Minnesota~~

of Elizabeth Schibilla

A petition for the commitment of the above named patient having been filed,

IT IS ORDERED, That such petition be heard before this court in the Court House in the

City of St. Cloud, Minn. on the 2nd day of
(City—Village)

August, 19 44 at 3:00 o'clock P.M.

Dated this 2nd day of August, 19 44

(Court Seal)

E. B. Schwenen
Court Commissioner ~~XXXXXXXXXX~~

STATE OF MINNESOTA,)

County of Stearns)

IN PROBATE COURT

In the Matter of the

{ Insanity
~~Inebriety~~
~~Feeble-mindedness~~
 { Epilepsy

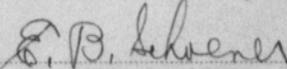
Of Elizabeth SchibillaTo the Hon. David T. Shay, County Attorney of said County:

SIR: Please take notice that a petition has been filed with the above court alleging the

Insanity of the above named patient.

(Insanity-Inebriety-Feeble-mindedness-Epilepsy)

You are hereby notified and required to appear at the examination of said patient to be held at my office on the

2nd day of August, 1944, at 3:00 o'clock P. M., torepresent said patient and to take part in the said examination in her behalf.Dated this 2nd day of August, 1944.

 Court Commissioner
~~Judge of Probate~~

STATE OF MINNESOTA,

County of Stearns }

IN PROBATE COURT

In the Matter of the
 { Insanity
 { ~~Insanity~~
 { ~~Feeble-mindedness~~
 { ~~Alcoholism~~Of Elizabeth Schibilla

Upon all of the files, records and proceedings herein,

IT IS ORDERED, That Dr. F. J. Schatz andDr. C. A. Rathbun are appointed to assist in the examination

herein.

Dated this 2nd day of August, 19 44.

(Court Seal)

E. B. Scherer
Court Commissioner~~Probate Judge~~

NOTE:—If the patient be obviously inebriate, feeble-minded, or epileptic, and with the consent of the county attorney in writing, the court may make the examination unassisted. Otherwise the court shall appoint two duly licensed doctors of medicine. In feeble-minded proceedings two persons skilled in the ascertainment of mental deficiency shall be appointed. Laws 1935, Chapter 72, Section 175.

State of Minnesota.
County of Stearns

}
} ss.

**IN PROBATE COURT
CERTIFICATE**

This is to certify that Dr. F. J. Schatz
of St. Cloud, Minnesota is a reputable person, a graduate
of Jefferson Medical Phil. which is an incorporated medical
college; that he is a permanent resident of this State, has been in the actual practice of the profession of medicine for
at least one year next preceding to the date hereof, and is registered as licensed by the State Board of Medical Ex-
aminers; that he is neither superintendent, proprietor, an officer, or regular medical attendant of any institution for
the care and treatment of Insanity

(SEAL)

E. B. Scholner
Court Commissioner ~~Judge of Probate~~

Dated August 2nd, 19 44.

(Note—A copy of this certificate is to be filed in the Court and original delivered to the doctor. Sec. 3857, R. L. 1905.)

State of Minnesota,
County of Stearns

} ss.

IN PROBATE COURT
CERTIFICATE

This is to certify that Dr. C. A. Rathbun
of St. Cloud, Minnesota is a reputable person, a graduate
of University of Minnesota which is an incorporated medical
college; that he is a permanent resident of this State, has been in the actual practice of the profession of medicine for
at least one year next preceding to the date hereof, and is registered as licensed by the State Board of Medical Ex-
aminers; that he is neither superintendent, proprietor, an officer, or regular medical attendant of any institution for
the care and treatment of Insanity

(SEAL)

E. B. Schwenker
Court Commissioner ~~Judge of Probate~~

Dated August 2nd 1944

(Note—A copy of this certificate is to be filed in the Court and original delivered to the doctor. Sec. 3857, R. L. 1905.)

STATE OF MINNESOTA,

County of Stearns

IN PROBATE COURT

In the Matter of the ~~Insanity~~
~~Testament~~
~~of~~ ~~Elizabeth Schibilla~~
~~deceased~~

Of Elizabeth Schibilla

STATE OF MINNESOTA,

County of Stearns

} ss.

We Dr. F. J. Schatz

and Dr. C. A. Rathbun

do each swear that we will faithfully and justly perform all the duties of the office and trust which we now assume as members of the Board of Examiners to examine the above named patient, and determine as to her being Insane (Insane-Inebriate-Freble-minded-Epileptic), to the best of our ability.

Schatz
Rathbun

Subscribed and sworn to before me this 2nd day of August, 1944

E. B. Schwen
Court Commissioner

State of Minnesota,

Stearns

} ss.

County of

IN PROBATE COURT,

EXAMINER'S FEE CLAIM.

In the Matter of the Insanity

of Elizabeth Schibilla

Dr. F. J. Schatz

on being first duly sworn, says that he has a

just and true claim against said County for services in the above entitled matter as follows:

Services as examiner - - - - - \$5.00

2 mile of necessary travel at 15c per mile - - \$.30

TOTAL - - - \$ 5.30

F. J. Schatz

Subscribed and sworn to before me, this 2nd

day of August, 19 44

E. B. Scherer
Court Commissioner ~~Clerk~~ & Judge of Probate

State of Minnesota,

Stearns

} ss.

County of

IN PROBATE COURT,

EXAMINER'S FEE CLAIM.

In the Matter of the Insanity

of Elizabeth Schibilla

Dr. C. A. Rathbun

on being first duly sworn, says that he has a

just and true claim against said County for services in the above entitled matter as follows:

Services as examiner - - - - - \$5.00

2 mile^s of necessary travel at 15c per mile - - \$.30

TOTAL - - - \$ 5.30

C. A. Rathbun

Subscribed and sworn to before me, this 2nd

day of August, 19 44

E. B. Schreiner
Court Commissioner ~~Over~~ Judge of Probate ~~x~~



State of Minnesota,

Stearns

} ss.

County of

IN PROBATE COURT
EXAMINER'S-FEE ORDER

IN THE MATTER OF THE Insanity of

Elizabeth Schibilla

Dr. F. J. Schatz

having been duly appointed an examiner in

insanity

in the above entitled matter by an order of this Court and having filed his duly verified claim

for fees allowed by law therefore.

Now, therefore, it is hereby ordered and adjudged that the said

Dr. F. J. Schatz

be and he hereby is allowed

Five and 30/100- - - - - Dollars (\$ 5.30

) for his services herein and that

upon filing this order with the Auditor of said County an order for said amount shall be drawn by said Auditor upon the Treasurer of said County.

Dated August 2nd, 1944

By the Court,

E. B. Schwenner
Court Commissioner

Judge of Probate

State of Minnesota,

} ss.

County of

IN PROBATE COURT
EXAMINER'S-FEE ORDER

IN THE MATTER OF THE Insanity of

Elizabeth Schibilla

Dr. C. A. Rathbun

..... having been duly appointed an examiner in

Insanity

..... in the above entitled matter by an order of this Court and having filed his duly verified claim

for fees allowed by law therefore.

Now, therefore, it is hereby ordered and adjudged that the said

Dr. C. A. Rathbun

..... be and he hereby is allowed

Five and 30/100 - - - - - Dollars (\$ 5.30

.....) for his services herein and that upon filing this order with the Auditor of said County an order for said amount shall be drawn by said Auditor upon the Treasurer of said County.

Dated August 2nd, 1944

By the Court,

E. B. Schoener
Court Commissioner

Judge of Probate

State of Minnesota, } ss.

COUNTY OF STEARNS

alleged

IN THE MATTER OF THE INSANITY OF

Elizabeth Schebella

IN PROBATE COURT

FEE CLAIM OFFICER

Art McIntee on being first duly sworn says that he has a just and true claim against said county for services and disbursements by reason of the conveyance of the said insane person to the State Hospital for the insane at Fergus Falls; in said State, more particularly set forth, as follows:

Railroad fare from St. Cloud, Minn., to Fergus Falls, Minn., for	persons	\$	
Taxi fare at	- - - - -	\$	
Hotel at	- - - - -	\$	
Lodging and meals for	persons - - - - -	\$	
Railroad fare from Fergus Falls, Minn., to St. Cloud Minn., for	persons	\$	
Reasonable compensation of	1 assistants - - - - -	\$	3.00
Warrant and Mileage	- - - - -	\$	1.00
Bringing and attending Court	28 miles at 8¢ and 28 miles at 9¢	\$	4.76
		\$	
		\$	
		\$	
Total	- - - - -	\$	8.76

Subscribed and sworn to before me this

3rd day of August 19 44

Frank Herzog
Clerk of Probate.

Art McIntee

0032 1098

State of Minnesota,

County of Stearns

} ss.

IN PROBATE COURT
OFFICER'S FEE ORDER

IN THE MATTER OF THE alleged insanity

of Elizabeth Schibilla

Art McIntee, Sheriff

..... having been duly authorized by this Court to convey
the above named person to the State Hospital and having filed herein his duly verified claim for fees allowed by law therefor.

Now therefore, it is hereby ordered and adjudged that the said.....

Art McIntee

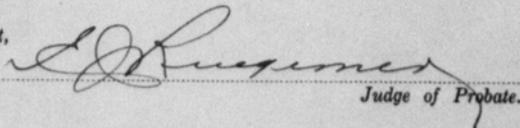
..... be and he hereby is allowed

Eight and 76/100

Dollars (\$8.76.....)

..... for his services herein and
all disbursements actually and necessarily made for travel and expenses of himself, the patient, and assistants, and that upon
filing this order with the Auditor of said County an order for said amount shall be drawn by said Auditor upon the Treasurer
of said County.

By the Court,



.....
Judge of Probate.

Dated August 9th 19 44

State of Minnesota.

County of Stearns

PROBATE COURT

IN THE MATTER OF THE alleged
Insanity

of Elizabeth Schibilla

OFFICER'S FEE ORDER

B. C. 12 D.

Filed this 9th day of August,

19 44

Frank Herzog
Clerk—~~Judge~~ of Probate.

0032 1100

State of Minnesota,
County of Stearns

PROBATE COURT

In the Matter of the Insanity
of Elizabeth Schibilla

Examiner's-Fee Order

B. C. 12 B.

Filed this 2nd day of
August 1944

Frank Herzog
Clerk—~~Judge~~ of Probate.

State of Minnesota,

County of

} ss.

I, _____ of the Probate Court of said County,
do hereby certify that I have compared the within order with the original thereof on file and of record in the Probate office
of the County aforesaid, and that the same is a true copy thereof, and of the whole of said original order and record.
In testimony whereof, I have hereunto affixed the seal of the Probate Court of said County, and signed my name
this _____ day of _____ 19____.

Clerk—Judge of Probate.

State of Minnesota

COUNTY OF STEARNS

PROBATE COURT

Alleged

In the Matter of the Person of

Elizabeth Schibilla

FEE CLAIM--OFFICER

Filed this 3rd day of

August, 1944

Clerk *Frank W. Meyer* of Probate.

Form prescribed by State Board of Control pursuant to Sec. 2871, Revised Laws 1905.

Received of ART McINTEE

\$ 3.00 August 2, 1944
 To Mrs. Mary Byers
Edward and 00 Dollars
 100

ASSISTANT

Case of

Elizabeth Schibilla
Mrs. Mary Byers

State of Minnesota,

County of

} ss.

I, _____ of the Probate Court of said County, do hereby certify that I have compared the within order with the original thereof on file and of record in the Probate office of the County aforesaid, and that the same is a true copy thereof, and of the whole of said original order and record.

In testimony whereof, I have hereunto affixed the seal of the Probate Court of said County, and signed my name

this _____ day of _____ 19 _____

Clerk—Judge of Probate.

State of Minnesota,

County of Stearns

PROBATE COURT

In the Matter of the Insanity

of Elizabeth Schibilla

Examiner's-Fee Order

B. C. 12 B.

Filed this 2nd day of
August 19 44

Frank Herzog
Clerk—~~Judge~~ of Probate.

13,357

State of Minnesota,

County of Stearns

PROBATE COURT

IN THE MATTER OF THE

Insanity

of Elizabeth Schibilla

EXAMINER'S FEE CLAIM

Filed this 2nd day of

August 19 44

Frank Herzog
Clerk ~~and~~ of Probate.

0032 1104

State of Minnesota,

County of Stearns

PROBATE COURT

IN THE MATTER OF THE

Insanity

of Elizabeth Schibilla

EXAMINER'S FEE CLAIM

Filed this 2nd day of

August, 19 44

Frank Herzog

Clerk - ~~Atty~~ of Probate.

5811 2888

No. 13,357

State of Minnesota, }
County of Stearns } ss.

IN PROBATE COURT

IN THE MATTER OF THE

Insanity of

Elizabeth Schibilla

Oath of Examiners in

Insanity

Filed this 2nd day of
August, 19 44

Frank Herzog
Judge-Clerk of Probate.

9011 2000

State of Minnesota, }County of Stearns**PROBATE COURT**

IN THE MATTER OF

Elizabeth Schibilla
Insane**CERTIFICATE**Filed this 2nd dayof August, 19 44*Frank Herzog*
Clerk of Probate

Form prescribed by State Board of
Control, pursuant to Sec. 3871, Revised
Laws of 1905.

State of Minnesota, }

County of Stearns

PROBATE COURT

IN THE MATTER OF

Elizabeth Schibilla,
Insane

CERTIFICATE

Filed this 2nd day

of August, 19⁴⁴

Frank Herzog
Clerk of Probate

Form prescribed by State Board of Control, pursuant to Sec. 3871, Revised Laws of 1905.

8011 2300 0032 1108

State of Minnesota,)

County of Stearns)

PROBATE COURT

In the Matter of

Elizabeth Schibilla,
Insane

Appointment of Examiners

Filed this 2nd day

of August, 19 44

Frank Henry
Clerk of Probate

Form prescribed by State Board of Control, pursuant to Code 1935.

0032 1109

State of Minnesota,

County of Stearns

PROBATE COURT

In the Matter of

Elizabeth Schibilla
Insane

Notice to County Attorney

Filed this 2nd day

of August, 19⁴⁴

Frank Herzog
Clerk of Probate

Form prescribed by State Board of Control, pursuant to Code 1935.

0032 1110
2000

No. 13,357

State of Minnesota,

County of Stearns

IN PROBATE COURT

IN THE MATTER OF THE ALLEGED

Insanity

of Elizabeth Schibilla

ORDER FOR HEARING

Insanity, Inebriety,
Feeble-mindedness, Epilepsy

B. C. 1935 Form No. 224-A

Filed this 2nd day of
August, 1944

Frank Herzog
Clerk—Judge of Probate.

State of Minnesota,

County of Stearns

IN PROBATE COURT

13,358

In the Matter of the Estate of

Peder Lukkasson

Decedent

Petition for Determination of Descent of Land

Your Petitioner Respectfully Represents and Shows:

1. That the said decedent died in estate more than five years from the date hereof, at Walker in the County of Cass State of Minnesota on the 13th day of December, 1933, and at the time of his death was 47 years of age, and a resident of Cass County, Minnesota his post office address then being Walker, Minnesota.

2. That no will of said decedent has been admitted to probate nor administration had upon his estate in this state.

3. That said decedent at the time of his death was the owner of certain real estate described and of the value as follows, to-wit:

(a) The Homestead of decedent, being in the County of State of Minnesota, described as follows, to-wit: VALUE AT DATE OF DEATH

NONE

(b) Other real estate of decedent being in the County of Stearns State of Minnesota, described as follows, to-wit:

- 1. An undivided 1/10 interest in the NW 1/4 of the NW 1/4 of Section 10, Township 124, Range 35 West of the Fifth Principal Meridian, subject to the life estate therein of Margit Lukkasson.
2. An undivided 1/15 interest in the S 1/2 of the SE 1/4 of Section 4, and in the N 1/2 of the NE 1/4 of Section 9, all in Township 124, Range 35, West of the Fifth Principal Meridian

(The said lands were subject to an incumbrance of approximately \$ 5052.41 .

\$ 70.00

4. That the interest of petitioner in said real estate is as follows, viz.: That he is a son and heir at law of Margit Lukkasson, now deceased, who was at the time of the death of said Peder Lukkasson the mother and sole heir at law of said Peder Lukkasson, Deceased.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Court at Stearns County, Minnesota, this 11th day of December, 1933.

State of Minnesota,

County of Stearns } ss.

IN PROBATE COURT

File No. 13,358

IN RE ESTATE OF

Peder Lukkasson

Decedent.

Order for Hearing on Petition to Determine Descent of Land

Elmer O. Lukkasson

having filed in this Court a petition representing, among other things, that said decedent died intestate more than five years prior to the filing thereof, leaving certain real property in Stearns County, Minnesota, and that no will of said decedent has been proved, nor administration of his estate granted, in this State and praying that the descent of said real property be determined and that it be assigned to the persons entitled thereto;

It is Ordered, That the hearing thereof be had on September 1st 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 the publication of this order in the Brocton Review, and by mailed notice as provided by law.

Dated August 8th, 1944.

[Signature] Probate Judge

(Probate Court Seal)

Frank J. Zima, Esq.

Attorney for Petitioner.

Glenwood, Minnesota.

File No. 13,358

State of Minnesota,

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

Peder Lukkasson

Decedent.

ORDER FOR HEARING ON
PETITION TO DETERMINE
DESCENT OF LAND

Service admitted

, 19

County Treasurer.

Deputy.

County, Minnesota.

Filed August 8th, 19 44

Frank Herzog
Probate Clerk.

No. 3534*

0033 115

STATE OF MINNESOTA }
County of Stearns. }

C. E. Folin

being duly sworn, deposes and says that he now is and during all the times hereinafter mentioned has been the publisher or printer in charge of The Brooten Review, a weekly newspaper, printed and published in the Village of Brooten in said Stearns county, State of Minnesota, on Thursday of each week;

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

Probate Citation hereto attached, cut from the columns of said newspaper, was inserted, printed and published in said newspaper once in each week for 3 weeks, and that all of said publications were made in the English language.

That said notice was first inserted, printed and published on Thursday, the 10th day of August, 1944 and was printed and published in said newspaper on each and every Thursday thereafter until and including Thursday, the 24 day of August, 1944

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

the date of the first publication of said **Notice**, said newspaper has been (1) Printed from the place from which it purports to be issued in the English language and in column and sheet form equivalent in space to at least four pages, with five columns to the page, each seventeen and three quarters inches long.

(2) Issued once each week from a known office, established in such place for publication and equipped with skilled workmen and the necessary material for preparing and printing the same.

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

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

the first publication of said **Notice** the publisher or printer in charge of said newspaper having knowledge of the facts, filed in the office of the county auditor of said county of Stearns, state of Minnesota an affidavit showing the name and location of said newspaper and the existence of conditions constituting its qualifications as a legal newspaper as required and set forth in section 3 of chapter 484, Session Laws Minnesota, 1921.

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

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

Subscribed and sworn to before me this 25 day of Aug, 1944

Edwin Sandvik
Notary Public, Stearns County, Minnesota.

My Commission Expires Feb 24 - 1951

STATE OF MINNESOTA.
County of Stearns, ss.in Probate Court
File No. 13,358

Order for Hearing on Petition to Determine Descent of Land.
In Re Estate of Peder Lukkasson, Decedent.

Elmer O. Lukkasson having filed in this Court a petition representing, among other things, that said decedent died intestate more than five years prior to the filing thereof, leaving certain real property in Stearns County, Minnesota, and that no will of said decedent has been proved, nor administration of his estate granted, in this State and praying that the descent of said real property be determined and that it be assigned to the persons entitled thereto;

IT IS ORDERED. That the hearing thereof be had on September 1st, 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 the publication of this order in The Brooten Review, and by mailed notice as provided by law.

Dated August 8th, 1944.

(Probate Court Seal)

E. J. Ruegeger,

Probate Judge

Frank J. Zima, Esq.
Attorney for Petitioner,
Glenwood, Minnesota.

13.358

STATE OF MINNESOTA }
County of Stearns }

PROBATE COURT
in the Matter of the Estate of
Peder Tukkesson
Deceased

*Printers affidavit
Descent*

FILED THIS 30th DAY
OF Aug. A.D. 1944
Frank Keszyon
Clerk of Probate



0033 117

State of Minnesota,

County of Stearns

IN PROBATE COURT.

File No. 13,358

In the Matter of the Estate of

Peder Lukkasson

Deceased.

Decree of Descent.

The above entitled matter came on to be heard on the 1st day of September, 1944, upon the petition of Elmer O. Lukkasson

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 attorney, Frank J. Zima, 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:

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 Brooken Review, 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 Margit Lukkasson, sole heir at law in the above entitled matter.

THIRD—That the above named decedent died at Walker, in the County of Cass, State of Minnesota, on the 13th day of December, 1933, leaving no last will and testament

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 his 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 one-tenth (1/10) interest in the North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Ten (10), Township One Hundred Twenty-four (124) North, of Range Thirty-five (35) West, subject to the life estate therein of Margit Lukkasson.

An undivided one-fifteenth (1/15) interest in the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Four (4), and in the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Nine (9), all in Township One Hundred Twenty-four (124) North, of Range Thirty-five (35) West.

FIFTH—That the following named persons ~~are~~ is the sole heir at law

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

Margit Lukkasson, mother 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 and that the same be, and hereby are, vested in and assigned to the above named person, in the following proportions, to-wit:

All thereof to the said Margit Lukkasson, in fee simple, absolutely.

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 1st day of September, 19 44

[Signature] Judge of Probate.

State of Minnesota,

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 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, 358

State of Minnesota,

County of Stearns

PROBATE COURT

In the Matter of the Estate of

Peder Lukkasson 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 1st day of Sept., 19 44, and recorded in Book 74

of Decree, page 246 [Signature] Clerk of Probate.

2428

13359

State of Minnesota,

IN PROBATE COURT

County of Stearns

} ss.

In the Matter of the Estate of Frank Wilmes, also known as Frank Willmas,

Decedent.

Petition for Determination of Descent of Land

Your Petitioner Respectfully Represents and shows:

1. That the said decedent died in testate more than five years from the date hereof, at Cold Spring in the County of Stearns State of Minnesota on the 5th day of March 1939, and at the time of his death was 88 years of age, and a resident of Cold Spring, Minnesota, his post office address then being Cold Spring, Minnesota.

2. That no will of said decedent has been admitted to probate nor administration had upon his estate in this state. ~~That the estate of said decedent was never admitted to probate and that the real estate hereinafter described was not included in the final decree, decree of distribution or other order of the court.~~

3. That said decedent at the time of his death was the owner of certain real estate described and of the value as follows, to-wit:

(a) The Homestead of decedent, being in the County of Stearns Value at Date State of Minnesota, described as follows, to-wit: of Death

Lot Three (3), in Block Eleven (11), in the Townsite (now Village) of Cold Spring, according to the plat and survey thereof on file and of record in the office of the register of deeds, in and for said county - - - - \$ 2500.00

\$

(b) Other real estate of decedent being in the County of, State of Minnesota, described as follows, to-wit:

NONE

4. That the interest of petitioner in said real estate is as follows, viz: Life interest due petitioner as surviving spouse.

~~5. That the will of said decedent is herewith presented and filed for probate.~~

6. That the names, ages, relationship, and addresses of the heirs, executors, legatees and devisees of said decedent are as follows, to-wit:

Names	Ages	Relationship	Addresses
Margaret Wilmes	75	widow	Cold Spring Minn (Commercial Hotel,
N. J. Wilmes	52	son	1 E. Hennepin, Mpls, Minn.
Susan Kunick	51	daughter	436 LaFond Ave, St. Paul Minn
Ted Wilmes	48	son	4334 Bryant Ave So, Mpls Minn
Kate Dreis	47	daughter	3528 Stevens Ave, Mpls Minn.
Mike Wilmes	45	son	3210 Newton Ave Mpls Minn
Elizabeth Ziebol	43	daughter	20 20th Ave So., St. Cloud Minn
Vernie Wilmes	42	"	1514 Spruce Place Mpls, Minn
John Wilmes	40	son	3913 29th Ave So Mpls, Minn
Frances Spoden	38	daughter	Cold Spring Minn.

WHEREFORE, Your petitioner prays that (said will be admitted to probate; and that) the descent of said real estate be determined and that it be assigned to the persons entitled thereto.

Dated August 3, 1944.

Margaret Wilmes
Petitioner.

VERIFICATION

State of Minnesota,

County of Stearns } ss.

Margaret Wilmes

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

Subscribed and sworn to before me this 3 day of August 1944

Margaret Wilmes
Petitioner.

F. W. Russell
Stearns County, Minn.
Notary Public.

My Commission expires April 19 1946

*If no will strike out Paragraph 5 also in brackets. Also strike out part of Paragraph 2 and part in wherefore clause that does not apply.

13,359

State of Minnesota,

County of Stearns

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Frank Wilmes, also known as Frank Wilmas, Decedent.

Petition for Determination of Descent of Land

SELECTION OF NEWSPAPER

To the Judge of said Court: Please cause the notices in said estate to be published in the

Cold Spring Record
(Here insert name of newspaper)

F. W. Russell
(Sign your name here)

Filed this 4th day of August 1944

Frank Russell
Probate Judge Clerk.

State of Minnesota,

County of Stearns } ss.

IN PROBATE COURT

File No. 13,359

IN RE ESTATE OF

Frank Wilmes, also known as
Frank Willmas,

Decedent.

Order for Hearing on Petition to Determine
Descent of Land

Margaret Wilmes

having filed in this Court a petition representing, among other things, that said decedent died intestate more than five years prior to the filing thereof, leaving certain real property in Stearns County, Minnesota, and that no will of said decedent has been proved, nor administration of his estate granted, in this State and praying that the descent of said real property be determined and that it be assigned to the persons entitled thereto;

It is Ordered, That the hearing thereof be had on September 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 the publication of this order in the Cold Spring Record, and by mailed notice as provided by law.

Dated August 4th, 1944.

[Signature]
Probate Judge.

(Probate Court Seal)

F. W. Russell, Esq.

Attorney for Petitioner.

Cold Spring, Minnesota.

File No. 13,359

State of Minnesota,

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

Frank Wilmes

Decedent.

ORDER FOR HEARING ON
PETITION TO DETERMINE
DESCENT OF LAND

Service admitted

, 19

County Treasurer.

Deputy.

County, Minnesota.

Filed August 4th, 19 44

Frank Herzog
Probate ~~Judge~~ Clerk.

No. 3534*

211 4000
0034 1123

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.

STATE OF MINNESOTA,
County of Stearns--ss.
IN PROBATE COURT
File No. 13,359
In Re Estate Of
Frank Wilmes, also known as
Frank Willmas, Decedent.
Order for Hearing on Petition to
Determine Descent of Land
Margaret Wilmes having filed in
this Court a petition representing,
among other things, that said decedent died intestate more than five years prior to the filing thereof, leaving certain real property in Stearns County, Minnesota, and that no will of said decedent has been proved, nor administration of his estate granted, in this State and praying that the descent of said real property be determined and that it be assigned to the persons entitled thereto;
IT IS ORDERED, That the hearing thereof be had on September 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 Cold Spring Record, and by mailed notice as provided by law.
Dated August 4th, 1944.
(Probate Court Seal)
E. J. RUEGEMER,
Probate Judge.
F. W. Russell, Esq.,
Attorney for Petitioner,
Cold Spring, Minnesota.

N. V. Honer, 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 Cold Spring Record, 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 to Determine Descent of Land

hereinafter described, said newspaper was printed and published in the Village of Cold Spring, in the County of Stearns, State of Minnesota, on Wednesday 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 necessary 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 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 above-mentioned Probate Notice

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 (3) successive weeks; that it was first so published on Wednesday, the 9th day of August, 1944, and thereafter on Wednesday of each week to and including the 23rd 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
N. V. Honer

Subscribed and sworn to before me this 2nd day of September, 1944

M. A. Wanner
Notary Public, Stearns County, Minn.

My commission expires 194
M. A. WANNER, Notary Public, Stearns County, Minn.
My Commission Expires Aug. 28, 1948.

13.359

STATE OF MINNESOTA)
County of Stearns)

PROBATE COURT
In the Matter of the Estate of
Frank Palmer
Decedent

*Printers Affidavit
Descent*

FILED THIS 5th DAY
OF Sept. A.D. 19 44
Frank Heagy
Clerk of Probate

0034 1125

F. W. RUSSELL

Attorney at Law

COLD SPRING, MINN.

Sept. 7, 1944

Clerk of Probate Court
St. Cloud, Minn.

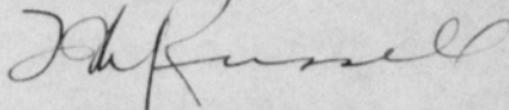
Dear Sir:

Re: Frank Wilmes Estate

Enclosed please find Affidavit of Service by Mail to be filed
in the above estate.

FWR:MG
encl.

Very truly yours,



State of Minnesota,

County of Stearns

State of Minnesota,

County of Stearns

} ss.

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF
Frank Wilmes, also known
as Frank Willmas

Decedent.

} ss.

F. W. Russell

being duly sworn, on oath says; that he is the attorney for the petitioner
in the matter above entitled and has full knowledge of the facts herein set forth; that

on the 24 day of AUG. 19 44 he mailed a true

hereo attached and made a part hereof by enclosing it in a sealed envelope and
vice at the Village of Cold Springe prepaid, addressed to each of the following named persons at their respective addresses
of the heirs at law of the above named decedent all of the legatees and devisees

whose names and addresses he has been able to ascertain after due diligence, to-wit:

Addresses

Names

Addresses

Gold Spring, Minn.	Elizabeth Ziebol	20 20th Ave. So.
Commercial Hotel		St. Cloud Minn.
E. Hennepin, Mpls. Minn.	Vernie Wilmes	1514 Spruce Place
6 LaFond Ave.		Minneapolis Minn.
Paul, Minn.	John Wilmes	3913 29th Ave. S
34 Bryant Ave. So.		Mpls. Minn.
Minneapolis, Minn.	Frances Spoden	Cold Spring Minn.
28 Steveans Ave.		
Minneapolis, Min.		

me this 7

, 1944

Stearns County, Minn.

Probate Judge.

19

STATE OF MINNESOTA,

County of Stearns--ss.

IN PROBATE COURT

File No. 13,359

In Re Estate Of

Frank Wilmes, also known as

Frank Willmas, Decedent.

Order for Hearing on Petition to

Determine Descent of Land

Margaret Wilmes having filed in this Court a petition representing, among other things, that said decedent died intestate more than five years prior to the filing thereof, leaving certain real property in Stearns County, Minnesota, and that no will of said decedent has been proved, nor administration of his estate granted, in this State and praying that the descent of said real property be determined and that it be assigned to the persons entitled thereto;

IT IS ORDERED, That the hearing thereof be had on September 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 Cold Spring Record, and by mailed notice as provided by law.

Dated August 4th, 1944.

(Probate Court Seal)

E. J. RUEGEMER,

Probate Judge.

F. W. Russell, Esq.,

Attorney for Petitioner,

Cold Spring, Minnesota.

0034 1127

13359

State of Minnesota,

County of Stearns

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Frank Hilmes
Decedent.

**AFFIDAVIT OF SERVICE
BY MAIL**

Filed this 8th day of
September, 1944

Frank Hennig
Clerk—~~Judge~~ of Probate.

0034 1128

STATE OF MINNESOTA

PROBATE COURT

COUNTY OF STEARNS

In the Matter of the Estate
of FRANK WILMES, also known
as FRANK WILLMAS, dec'd.

PETITION

Your Petitioner, F. W. Russell, respectfully represents and shows to this Court:

1. That he is the attorney of record in the above entitled proceedings in which the widow of decedent requests the determination of the descent of the homestead.
2. That at the hearing had on Sept 8 1944 before this court, it appeared from the evidence that deceased died intestate more than 5 years ago and left surviving his widow and nine children.
3. That it was also made to appear that the costs in this proceeding ^{as} are/hereinafter set forth:-

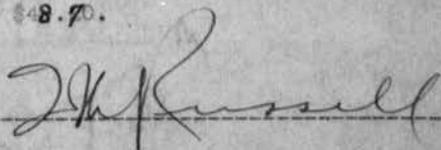
Attorneys fee - - - - -	\$35.00
Publication of notice of hearing	7.20
Cer. copy of decree & recording	2.50
Continuation of abstract to show proceedings in probate court -	4.00
	<u>\$48.70</u>

and that such amounts are reasonable and proper charges of administration.

4. It was further made to appear that such costs have been paid in full by Ted Wilmes, one of decedent's children, altho under the decree to be issued herein, he will share in but a one-ninth remainder in fee in the homestead; and further that such costs should be borne equally by each of the nine children.

WHEREFOR, Petitioner prays the order of this court, that in determining the descent of decedent's homestead, it impress liens upon the shares set off to each of the children except Ted Wilmes, in the sum of \$5.41 in favor of the said Ted Wilmes, said amount being 1/9th of the total administration expense of \$48.70.

Dated this 11 day of Sept. 1944.



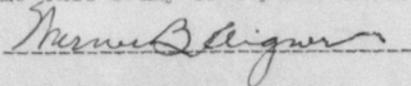
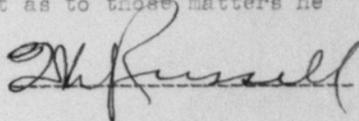
STATE OF MINNESOTA

ss

COUNTY OF STEARNS

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

Subscribed and sworn to before
me this 11 day of Sept. 1944.



WERNER B. AIGNER

Deputy Register of Deeds

STEARNS COUNTY, MINN.

13,359

STATE OF MINNESOTA
COUNTY OF STEARNS
IN PROBATE COURT

In the Matter of the
Estate of FRANK WILMES,
also known as FRANK
WILMASS,
dec'd.

PETITION

FILED THIS 22nd DAY
OF Sept. A.D. 1944
Frank Herzog
Clerk of Probate

F. W. RUSSELL
ATTORNEY
COLD SPRING MINN

0034 1131

State of Minnesota,

IN PROBATE COURT.

County of Stearns

File No. 13,359

In the Matter of the Estate of
Frank Wilmes, also known as
Frank Willmas,

Deceased.

Decree of Descent.

The above entitled matter came on to be heard on the 8th day of
September, 1944, upon the petition of Margaret Wilmes

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 his attorneys, F. W. ~~and~~ Russell, Esq., 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:

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 Cold Spring Record, 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:

A life interest in said lands as surviving spouse of the decedent.

THIRD—That the above named decedent died at Cold Spring, in the County of Stearns, State of Minnesota, on the 6th day of March, 1939, leaving no last will and testament

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 his 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:

Lot Three (3) in Block Eleven (11) in the Townsite (now Village) of Cold Spring, according to the plat and survey thereof on file and of record in the office of the Register of Deeds in and for Stearns County, Minnesota.

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: Margaret Wilmes, surviving spouse, and N. J. Wilmes, Susan Kunick, Ted Wilmes, Kate Dreis, Mike Wilmes, Elizabeth Ziebol, Vernie Wilmes, John Wilmes and Frances Spoden, children of decedent.

The above named Ted Wilmes claims a lien on said lands for payment of expenses by him in connection with this Decree of Descent in the sum of \$48.70, an itemized claim being on file in this court.

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 and that the same be, and hereby are, vested in and assigned to the above named person, in the following proportions, to-wit:

All thereof to Margaret Wilmes, for and during the term of her natural life, and after her death an undivided one-ninth (1/9) thereof to each of the said N. J. Wilmes, Susan Kunick, Ted Wilmes, Kate Dreis, Mike Wilmes, Elizabeth Ziebol, Vernie Wilmes, John Wilmes, and Frances Spoden, in fee simple, subject, however, to a lien in favor of Ted Wilmes in the sum of \$48.70, for money advanced by him to pay expenses of obtaining this decree of descent.

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 22nd day of September, 1944.

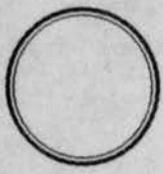
[Signature]
Judge of Probate.

State of Minnesota.

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 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. 13,359
State of Minnesota,
County of Stearns

PROBATE COURT

In the Matter of the Estate of
Frank Wilmes
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

County Auditor, Deputy.
Filed this 22nd day of Sept., 1944, and recorded in Book 87

of Deeds, page
[Signature]
Clerk of Probate.

State of Minnesota, }
 County of Stearns } ss.

IN PROBATE COURT

13360

IN THE MATTER OF THE ESTATE OF }
 JOSEPH FABECK, }
 Decedent. }

PETITION FOR ALLOWANCE AND
 PROBATE OF WILL

To the Probate Court in and for said County:

Your Petitioner represents and alleges to the Court:

FIRST—That your petitioner is a resident of Rt. 2, Albany, in the County of Stearns State of Minnesota, and is an adult and is interested in the estate of decedent in this, to-wit: executor named in will of decedent and son of decedent

SECOND—That said decedent was born in the ~~Country~~ Country of Belgium, and died at West St. Paul County of Dakota, State of Minnesota, on the 17th day of July, 1944, aged 83 years and was at the time of his death a native of Belgium and a citizen of the Country of United States and a resident of Freeport, Minnesota in the County of Stearns and State of Minnesota and left estate in the County of Stearns and Dakota State of Minnesota.

THIRD—That said decedent died leaving a last Will and Testament which Will is herewith presented and filed for Probate, being on file at St. Cloud Probate Court

FOURTH—That the estate of decedent at the time of his death consisted of personal property of the estimated value of \$ 12,300.00 divided as follows:

- | | |
|----------------------------------|-------------------------------|
| 1. Household goods, - \$ | 2. Wearing apparel, - - \$ |
| 3. Stock, - - - \$ | 4. Notes, bonds, etc., - - \$ |
| 5. Miscellaneous, - \$ 12,300.00 | 6. \$ |

That said estate also included real estate of the estimated worth and probable value of \$ none situated in said County of State of Minnesota, to-wit:

1. Homestead in County, Minnesota, as follows:

A. City Property none \$
 (Give Area)

(or)

B. Rural Property none \$
 (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 debts of decedent is \$ nominal, consisting of

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

NAME	AGE	RELATIONSHIP	POST OFFICE ADDRESS
Nickolaus Fabeck	47	son	Rt. 2, Albany, Minnesota
Bernard Fabeck	35	son	St. Paul, Minnesota
Flora Fristensky	40	daughter	925 Stryker Ave. West St. Paul, Minnesota
Edward Fabeck	39	son	286 North Milton St. Paul, Minnesota
Rosa Linn	49	daughter	George Linn Freeport, Minnesota
Veronica Suek	46	daughter	233 West Curfio St. St. Paul, Minnesota
Children of Clara Fabeck Schapps, Deceased:			
1. Edwin Schapps	27	grandson	unknown
2. Roman Schapps	24	grandson	Faribault State Hospital Faribault, Minnesota
3. Ralph Schapps	23	grandson	unknown
4. Joseph Schapps	21	grandson	unknown
5. Nicholas Schapps	19	grandson	unknown
6. Mary Ann Schapps	17	grandaughter	925 Stryker, W. St. Paul, Minn. of Flora Fristensky
7. Elizabeth Schapps	18	grandaughter	unknown

SEVENTH—That Nickolaus Fabeck whose Post Office address is Rt. 2, Albany, Minnesota is named in said Will as executor thereof and is a suitable and competent person to be executor of said Will.

WHEREFORE, Your petitioner prays that said last Will and Testament be allowed and admitted to probate; and that said NICKOLAUS FABECK be appointed executor thereof; and that, upon due qualification as provided by law, letters testamentary be issued to the said NICKOLAUS FABECK

Dated August 5th, 1944, *Nickolaus Fabeck* Petitioner.

State of Minnesota, }
County of Stearns } ss. Nickolaus Fabeck
being duly sworn, on oath says, that he is the petitioner named in the foregoing petition; that the said petition is true of his own knowledge except as to the matters therein stated on information and belief, and as to those matters he believe it to be true.

Nickolaus Fabeck

Subscribed and sworn to before me this 5th day of August, 1944.

Notary Public JOHN LANG Stearns County, Minnesota.

Stephens & Lang, Attorneys for Petitioner Melrose, Minnesota.

My Commission expires August 7th, 1948.

13,360

State of Minnesota,

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

JOSEPH FABECK

Decedent.

Petition for Allowance and Probate of Will

Selection of Newspaper

To the Judge of said Court: Please cause the notices in said estate to be published in the

Melrose Beacon

(Here insert name of newspaper)

Stephens & Lang

(Sign name here)

Filed this 7th day of

August, 1944

Frank H. Meyer

Clerk - Probate Court

No. 3375

STATE OF MINNESOTA, County of Stearns--ss. IN PROBATE COURT File No. 13,360

In Re Estate of Joseph Fabeck Decedent.—Order for Hearing on Petition for Probate of Will, Limiting Time to File Claims and for Hearing Thereon

Nickolaus Fabeck having filed a petition for the probate of the Will of said decedent and for the appointment of Nickolaus Fabeck 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 1st day of September, 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 Melrose Beacon, a legal newspaper, and by mailed notice as provided by law.

Dated August 7th, 1944.
(Probate Court Seal) E. J. Ruezemer
Probate Judge.

Stephens & Lang
Attorneys for Petitioner
Melrose, Minnesota

Publ. Aug. 16-17-24, 1944

STATE OF MINNESOTA, }
COUNTY OF STEARNS } ss

C. W. Carlson, being duly sworn on oath says: that he now is, and during all the times herein stated has been, the publisher of the newspaper known as The Melrose Beacon, and has full knowledge of the facts herein stated.

That for more than one year immediately prior to the publication therein of the printed

Probate citation

hereto attached, said newspaper was printed and published in the English language from its known office of publication within the City of Melrose in the County of Stearns, State of Minnesota, Thursday of each week in column and sheet form equivalent in space to at least 450 running inches of single column two inches wide; has been issued from a known office established in said place of publication equipped with skilled workmen and the necessary material for preparing and printing the same; The Melrose Beacon has had in its makeup not less than twenty-five per cent of its news columns devoted to local news of interest to said community it purports to serve, the press work of which has been done in its said known office of publication; has contained general news, comments and miscellany; has not duplicated any other publication; has not been entirely made up of patents, plate matter and advertisements; has been circulated at and near its said place of publication to the extent of 240 copies regularly delivered to paying subscribers; has been entered as second class mail matter in the local post office of its said place of publication; that there has been on file in the office of the County Auditor of said county the affidavit of a person having first hand knowledge of the facts constituting its qualifications as a newspaper for publication of legal notices; and that its publishers have complied with all demands of said County Auditor for proofs of its said qualification.

That the printed citation

hereto attached as a part hereof was cut from the columns of said newspaper: was published therein in the English language once each week for three 10th day of successive weeks; that it was first so published on the August 4th day of August 1944; and thereafter on Thursday August 1944; of each week to and including the 24th day of August 1944; and that the following is a copy of the lower case alphabet which is acknowledged to have been the size and kind of type used in the publication of said notice, to-wit:

a b c d e f g h i j k l m n o p q r s t u v w x y z

Subscribed and sworn to before me this 25th day of August 1944.

Notary Public, Stearns County, Minnesota

My commission expires Aug. 7, 1948

JOHN LANG

Notary Public, Stearns County, Minn.
My Commission Expires Aug. 7, 1948

13,360

Affidavit of Publication

OF

THE MELROSE BEACON

Of Order for Hearing
on Petition for Probate
of Will, etc

Re: _____
Estate of
Joseph Pabeck,
Decedent

FILED THIS 1st DAY
OF Sept. A.D. 19 44
Frank Kerzog
Clerk of Probate

137 5300

State of Minnesota,

File No. 13,360

County of Stearns } ss.

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Affidavit of Mailing of Order for Hearing

JOSEPH FABECK

Order for Hearing on Petition for Probate of Will, Limiting time to file claims and for hearing thereof

Decedent

On Hearing

two copies

STATE OF MINNESOTA, COUNTY OF STEARNS—ss. IN PROBATE COURT

No. 13,360 In Re Estate of Joseph Fabeck Decedent—Order for Hearing on Petition for Probate of Will, Limiting Time to File Claims and for Hearing Thereon

Nicholaus Fabeck having filed a petition for the probate of the Will of said decedent and for the appointment of Nicholaus Fabeck 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 1st day of September, 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 decedent may file their claims be limited to four months from the date hereof, and that the claims be heard on Friday, December 30th 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 Melrose Beacon, a local newspaper, and by mailed notice as provided by law.

Dated August 7th, 1944. E. J. Ruesinger (Probate Court Seal) Probate Judge.

Stephens & Lang Attorneys for Petitioner Melrose, Minnesota Publ. Aug. 16-17-24, 1944

of
oner
mail
ate.

State of Minnesota,

County of Stearns } ss.

John Lang,

being first duly sworn on oath deposes and says that on the 12th day of August, 1944,

at Melrose, Minnesota, 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

(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 depositing the same in

the U. S. mails at Melrose, Minnesota

and addressed to the following named persons:

NAME	STREET OR POST OFFICE	CITY	STATE
Nickolaus Fabeck	Rt. 2	Albany	Minnesota
Bernard Fabeck	163-Fuller Ave.	St. Paul, 3	Minnesota
Flora Fristensky	925 Stryker Ave.	West St. Paul	Minnesota
Edward Fabeck	286 North Milton	St. Paul,	Minnesota
Rosalinn	c/o Geo. Linn	Freeport	Minnesota
Veronica Suek	233 West Curtice St.	St. Paul,	Minnesota
Pastor Sacred Heart Church		Freeport	Minnesota
Edwin Schapps	125-3rd Eng Bn. A.S.N.	29751324 Camp Livingston,	Louisiana
Roman Schapps	Faribault State Hospital	Faribault	Minnesota
Ralph Schapps	20708960-CH-135 Inf. A.P.O. 34	c/o Postmaster New York	New York
Joseph Schapps	36728556 Sec. CIII	Brks-810 LAAF Laredo	Texas
Nicholas Schapps	0-2061266 Crew 6952-Combat	Crew D.E.T. Army Air Base Casper	Wyoming
Mary Ann Schapps	c/o Flora Fristensky	925 Stryker, West St. Paul	Minnesota
Elizabeth Schapps	233 W. Curtice Street	St. Paul, 7	Minnesota

Subscribed and Sworn to before me this 12th day of August, 1944.

H. C. Stalberger

Notary Public, H. C. STALBERGER County, Minn.

Notary Public, Stearns County, Minn. My Commission Expires Aug. 13, 1949

My commission expires

John Lang

File No. 13,360

State of Minnesota,

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

JOSEPH FABECK

Decedent

AFFIDAVIT OF MAILING

order for hearing on
probate of will, etc.,

Filed *Sept. 1st*, 19*44*

Frank Herzog
Probate ~~Judge~~ Clerk

Stephens & Lang, Melrose, Minn.

6311 5000
0035 1139

State of Minnesota,)
 County of Stearns) ss.

IN PROBATE COURT

In the Matter of the Estate of Joseph Fabeck Deceased.

THE LAST WILL AND TESTAMENT of said deceased having been this day admitted to probate by this Court, and Nickolaus Fabeck named as executor or of said Will, having applied for Letters Testamentary thereon:

IT IS ORDERED, That the said Nickolaus Fabeck give bonds to the Judge of this Court in the sum of Five Thousand and no/100 (\$5000.00) 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 1st day of September, A. D. 19 44

By the Court,

E. J. Ruessner
 Judge of Probate.

Attorney for Petitioner.

No. 13,360

IN PROBATE COURT

County of Stearns

In the Matter of the Estate of

Joseph Fabeck

Deceased.

ORDER FOR EXECUTOR'S BOND

Filed this 1st day of
September A. D. 1944, and
recorded in Book of Orders, on
page

Frank Herzog
Clerk ~~of~~ of Probate.

1417 5003

State of Minnesota, } ss.
County of Stearns.....

IN PROBATE COURT

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

JOSEPH FABECK

Decedent

PROOF OF WILL

State of Minnesota, } ss.
County of Stearns.....

W.J. Stephens, being duly sworn on behalf of the propo-
nent of the Will, doth depose and say: that he is one of the subscribing witnesses to the
instrument now shown bearing date the 21st day of December,
19 38, and purporting to be the Last Will and Testament of Joseph Fabeck,
of the County of Stearns and State of Minnesota now here pre-
sented for probate; that he, W.J. Stephens 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 21st day of December
19 38, 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 Ignatz Petermeier, residing at SauCentre, Minn., the other
subscribing witness thereto, and that deponent and the said Ignatz Petermeier,
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.

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

1st day of September 19 44

J. J. [Signature]
Judge of Probate.

[Signature]

State of Minnesota,
County of Stearns

PROBATE COURT

IN THE MATTER OF THE LAST WILL
AND TESTAMENT OF

JOSEPH FABECK,
Decedent

PROOF OF WILL

TESTIMONY OF

W.J. Stephens
Subscribing Witness to Will.

Taken, sworn, subscribed and filed this

1st day of

September, 19 44

Frank Jensen
Clerk Probate.

By Deputy.



0035 1143

IN THE NAME OF GOD, AMEN.

I, Joseph Fabeck, of the Village of Freeport 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 give and bequeath unto the Pastor of Sacred Heart Catholic Church of Freeport, Minnesota, the sum of One Hundred Dollars (\$100.00) and I do hereby request said pastor to celebrate or cause to be celebrated Holy Masses for the repose of my soul, as soon after my decease as conveniently may be..

THIRD-I give and bequeath unto my son, Henry George Fabeck the use, income and benefit of the sum of Five Thousand Dollars (\$5000.00).

If, however, the income from said sum of Five thousand Dollars shall be insufficient to give him a fairly comfortable livelihood, including his board, clothing, lodging, care and medical treatment, then and in that case, his guardian hereinafter named or his successor or successors, may appropriate such part of said \$5000.00, for such purposes as may be found necessary, upon application to the Probate Court of this county or that of any other county wherein this will may be probated; also a reasonable part of said \$5000.00 shall be used for the payment of the funeral expenses of the said Henry George Fabeck. I hereby nominate and appoint my son, Nicholas Fabeck Guardian of the said Henry George Fabeck. After the death of my said son, Henry George Fabeck, and after the payment of such sum of money out of said \$5000.00, in the manner and for the purposes hereinbefore state, the remainder thereof, if any there be shall be divided among my children and grand-children in the following proportions:

One-eighth thereof to each of my children, and the remaining One-eighth thereof to be divided equally among the children of my deceased child, Clara Schnaps.

FOURTH-I give and bequeath to my daughter, Florentine Fabeck, my bed and such other articles of household furniture as she has purchased for me.

FIFTH- I give and bequeath to my son, Nicholas Fabeck, all my carpenter tools.

SIXTH- I give and bequeath to my sons, Henry Fabeck, Nicholas Fabeck, Edward Fabeck and Bernard Fabeck, all my wearing apparel, to be divided equally among them.

Seventh-The rest, residue and remainder of all my property, real, personal and mixed, of whatsoever name or nature, I give, devise and bequeath to my children and grand-children in the following proportions:

The undivided one-eighth thereof to each of my said children, viz; Rosa Linn, Nicholas Fabeck, Veronica Suck, Florintina Fabeck, Edward Fabeck and Bernard Fabeck, and the remaining One-eighth thereof in equal undivided parts to the children of my deceased child, Clara Schnaps.

LASTLY, I make, constitute and appoint my son, Nicholas Fabeck 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 21st day of December in the year of our Lord, one thousand nine hundred and thirty-eight (1938)

Joseph Fabeck (Seal)

THIS INSTRUMENT, Was on the day of the date thereof, signed, published and declared by the said Testator, Joseph Fabeck, 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 P. Paterman reading at *Law Centre* *Minn*
W. J. Paterman reading at *Malrose* *Minn*

LAST WILL AND
TESTAMENT
OF
JOSEPH FABECK

State of Minnesota,
Stearns

County of

IN PROBATE COURT
CERTIFICATE OF PROBATE

In the Matter of the Estate of Joseph Fabeck 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

Joseph Fabeck Decedent, late of said County of Stearns

bearing date the 21st day of December 19 38, 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 Joseph Fabeck

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 1st day of Sept. 19 44

E. J. Ferguson
Judge of Probate.



State of Minnesota, }

of Stearns }

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Joseph Fabeck

Decedent.

Certificate of Probate of Will

Filed this 1st day of September 19 44, and recorded,

together with the will attached in Book of Records of Wills, Page 566

Frank Henzog Clerk of Probate.

0035 1147

State of Minnesota,

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

Joseph Fabeck

Decedent

Order Admitting Will to Probate

The above entitled matter came on to be heard on the 1st day of September 19 44

upon the petition of Nickolaus Fabeck 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 7th day of August 19 44 has been duly served and published as directed therein and required by law.

SECOND—That said decedent died on the 17th day of July 19 44, and at the time of his death was a resident of Freeport 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: W. J. Stephens

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 September 1st, 19 44.

[Signature] Judge of Probate.

State of Minnesota, }
County of Stearns }

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Joseph Fabeck

Decedent.

Order Admitting Will to Probate

Filed this 1st day of
September 1944, and recorded
in Book " 80 " of Orders, Page 599

Frank Herzog
Clerk Judge of Probate.



6035 1149

State of Minnesota, } ss.
County of *Stearns*

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Joseph Fabeck

Decedent.

LETTERS TESTAMENTARY

To *Nickolaus Fabeck*

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 12th day of September 19 44.

{ COURT
SEAL }

[Signature]
Judge of Probate Court.

No. 13,360

State of Minnesota, }
County of Stearns } ss.

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Joseph Fabeck

LETTERS TESTAMENTARY [Long Form]

Filed this 12th day of
September 19 44, and Recorded
in Book "A" of Letters, Page 127.

Frank Herzog
Clerk of Probate Court.

State of Minnesota,

ss.

IN PROBATE COURT

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.

1511 SE06

STATE OF MINNESOTA } ss.
County of STEARNS

IN PROBATE COURT

In the Matter of the Estate of

JOSEPH FABECK, Deceased

BOND
Bond #218921

Know All Men by These Presents, That we Nickolaus Fabeck

as principal, and Western Surety Company, a corporation organized under the laws of the State of South Dakota and holding the certificate of the Insurance Commissioner of the State of Minnesota showing that it is authorized to contract as surety upon bonds in said State of Minnesota, as surety, are held and firmly bound unto E. J. Ruegamer, as Judge of Probate of the County of

Stearns, Minnesota, in the sum of Five Thousand and no/100 -- Dollars, lawful money of the United States, to be paid to said Judge of Probate, or his successor in office; for which payment well and truly to be made, we bind ourselves and each of our heirs, executors, administrators, successors, and assigns, firmly by these presents.

The Condition of This Obligation is Such, That if the above bounden

Nickolaus Fabeck, who has been appointed representative of the estate of the above named, Joseph Fabeck, deceased shall well and faithfully discharge all the duties of his trust according to law, then this obligation shall be void; otherwise it shall remain in full force and virtue.

In Witness Whereof, Said principal has hereunto affixed his hand and seal; and the said surety has caused these presents to be signed by its A. W. BUCHELE, TREASURER

and its corporate seal to be hereto attached by authority of its Board of Directors, this 7th day of September, 1944

Witness to principal;

Rita M. Dase

Nickolaus Fabeck (Seal)

(Seal)

Witness to Surety:

P. Buch
G. Peters

WESTERN SURETY COMPANY

By

A. W. Buchele

Countersigned:

Resident Minnesota Agent

ACKNOWLEDGMENT OF PRINCIPAL

STATE OF MINNESOTA } ss.
County of Stearns

On this 9th day of Sept, 1944, before me personally appeared Nickolaus Fabeck, to me well known to be the person who executed the foregoing bond as principal, and he acknowledged that he executed the same for the uses and purposes herein expressed as his free act and deed.

Notary Public, M. A. BELL, Treasurer, Minnesota County, Minnesota.

My Commission Expires

Notary Public, Stearns County, Minn.
My Com. 19... expires Jan. 14, 1948

ACKNOWLEDGMENT OF SURETY

STATE OF SOUTH DAKOTA } ss.
County of Minnehaha

On this 7th day of September, 1944, before me appeared

A. W. BUCHELE, TREASURER, to me personally known, who being by me duly sworn, did say that he is the aforesaid officer of WESTERN SURETY COMPANY, a corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was executed in behalf of said corporation, by authority of its Board of Directors; and the said

acknowledged said instrument to be the free act and deed of said corporation.

Notary Public,

D. Feyder
Minnehaha

County, South Dakota

My Commission Expires

4-14-1947

APPROVAL

I hereby approve the within Bond and the surety thereon, this 12th day of September, 19 44

[Signature]
Probate Judge.

OATH OF REPRESENTATIVE

STATE OF MINNESOTA }
County of Stearns } ss.

I, Nickolaus Fabock

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 Joseph Fabock of the above named Joseph Fabock

to the best of my ability and according to law, so help me God.

x Nickolaus Fabock

Subscribed and sworn to before me this 9th day of Sept, 19 44.

[Signature]

Notary Public M. A. Bell, Stearns County, Minnesota.

My Commission Expires Commission Expires Jan. 14, 1945, 19 .

13360

STATE OF MINNESOTA

County of STEARNS

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

JOSEPH FABECK Deceased

Bond and Oath of Representative (SURETY COMPANY FORM)

Filed the 12th day of September, 19 44, and said bond recorded in Book 7 of

Bonds, page 130 of Probate Records.

Frank Nelson
Clerk - Judge of Probate.

BROWN & SARGENT, PRINTERS, MINNAPOLIS, MINN.

State of Minnesota,

PROBATE COURT

County of Stearns

Special Term, Dec. 8th 1945

IN THE MATTER OF THE ESTATE OF

Joseph Fabek
Deceased.

ORDER ON CLAIMS

After a full hearing and examination of all claims presented to this Court at the time and place fixed by order of the Court for hearing, examining and allowing claims against the estate of Joseph Fabek Deceased; It is ordered, that the claims herein with the amounts marked "ALLOWED" be and the same are hereby allowed against said estate; and the claims with the amounts marked "DISALLOWED" be and the same are hereby disallowed, and that the final Balance on each claim in favor of or against the estate as herein specified, stand and be recorded as the final order of the Court.

Reg. Page.....

No. of Claim	WHEN FILED			NAME OF CLAIMANT	NATURE OF CLAIM	CLAIMS			When Allowed or Disallowed		
	Month	Day	Year			Amount of Claim	Amount Allowed	Amount Disallowed	Month	Day	Year
1	12	5	44	Henry Eckhardt	Account	364.00	364.00	—	12	8	44
TOTAL											

OFFSETS

When Allowed or Disallowed

FINAL BALANCE

REMARKS

NATURE OF OFFSET

Amount of Offset

Amount Allowed

Amount Disallowed

Month Day Year

364.00

TOTAL

By the Court

[Signature]
 Judge of Probate.

No. 12360

State of Minnesota,
 County of Stearns

PROBATE COURT

In the Matter of the Estate of

Joseph Fabek
 Deceased

ORDER ON CLAIMS

Filed this 9th day of
December, 1944

Frank Herzog
 Clerk of Probate

By _____ Deputy

Recorded in Book 6 of Claims

Page 116

0035 1155

STATE OF MINNESOTA)
 (ss
COUNTY OF STEARNS)

IN PROBATE COURT

In the Matter of the Estate of Joseph Fabeck, Decedent
OBJECTION TO CLAIM OF MRS. FLORA FRISTENSKY AND OFFSETS THERETO

Comes Now the representative of the Estate of Joseph Fabeck, Decedent and makes and files the following objections and offsets to the claim of Mrs. Flora Fristensky filed in this Court:

I.
representative denies each and every allegation, matter, and thing in said claim contained.

II.
alleges that any and all board, and room, if same were furnished to decedent, has been paid for and compensated for in full.

III.
As an off-set to said claim said representative alleges:

(a) That on the 10th day of June, 1944, and for a long time prior thereto, the now decedent, Joseph Fabeck was sick and weak, aged and infirm and that time, and for some time prior, Mrs. Flora Fristensky, together with her husband, had obtained, and then had complete domination and authority over the mind and thoughts of Joseph Fabeck, together with his property; that said Joseph Fabeck was unable to manage himself or his affairs due to the influence of said Mrs. Flora Fristensky and her husband; that defendants were well cognizant of the premises and fraudulently taking advantage thereof, and without consideration therefor, and fraudulently, obtained from said Joseph Fabeck, the sum of Thirty-four hundred (\$3400.00) Dollars; that said Joseph Fabeck was of such weak physical condition, and unsound mind, that he turned over such sums to said Mrs. Flora Fristensky through such improper and fraudulent and undue influence.

(b) that no part of said sum of \$3400.00 has been returned to Joseph Fabeck or to his representative, although repeatedly demanded.

IV.
As a further off-set to said claim representative alleges:

(a) That at the time of his death Joseph Fabeck was the owner of the sum of \$1570.00 which sum was on deposit in a Bank in Ramsey County, in the names of Joseph Fabeck and Mrs. Flora Fristensky; that said sum of \$1570.00 was at all times the sole property of said Joseph Fabeck.

13,360

STATE OF MINNESOTA
COUNTY OF STEARNS
IN PROBATE COURT

RE: ESTATE OF JOSEPH
EABECK, DECEDENT

Objection to Claim of
Mrs. Flora Fristensky and
Off-sets thereto.

FILED THIS 8th DAY
OF Dec. A.D. 1944
Frank Herzog
Clerk of Probate

8511 5000

STATE OF MINNESOTA
COUNTY OF STEARNS

IN PROBATE COURT

IN THE MATTER OF THE ESTATE
OF JOSEPH FABECK, DECEDENT.

NOTICE OF MOTION BY FLORA FRISTENSKY

To Messrs. Stephens and Lang
Attorneys for representative,
Melrose, Minnesota

Gentlemen:

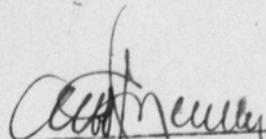
Notice is hereby given that Flora
Fristensky, a claimant in the above named matter will
move the said Court for an Order striking all the allega-
tions contained in paragraphs numbered three and four
of the representative's set-offs set out at length in
his objection and set-off made and filed December 8, 1944,
with the Clerk of this Court as being improper, no legal
cause against claimant's claim, and that said Court, with-
out jurisdiction to entertain the same for hearing and
decision, to be heard Jan. 5, 1945, at 2:00 P.M. in said Court

That said matter together with claim-
ant's claim was set for hearing by this Court for January
5, 1945, in the Probate Court room, Court House, St.
Cloud, Minnesota, and that this claimant further prays
for an Order extending the time from January 5, 1945, to
one more convenient date so that this motion maybe pre-
sented and disposed of before a hearing on the merits of
claimant's claim.

Said motion is made upon said claim,
this notice and affidavit, set-offs, and all the files
herein.

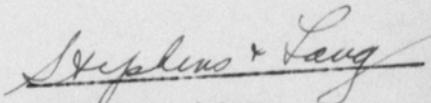
Said moving party appears specially and
for no other purpose than that stated in said moving
papers.

Dated: December 18, 1944,



Albert A. Mueller,
Attorney for Flora Fristensky,
Claimant,
W-1469 1st Nat'l Bk. Bldg.
St. Paul, Minnesota.

A copy of the within notice and affidavit
thereto attached is hereby admitted this 19th day of December,
1944.



Stephens and Lang,
Attorneys for representative
of said estate,
Melrose, Minnesota.

STATE OF MINNESOTA
COUNTY OF STEARNS

IN PROBATE COURT

IN THE MATTER OF THE ESTATE
OF JOSEPH FABECK, DECEDENT.

AFFIDAVIT OF FLORA FRISTENSKY

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

Flora Fristensky being first duly sworn, upon oath deposes and says that she is the claimant named and referred to herein, and in the objections and set-offs made and filed by the representative of this estate.

That she resides in the city of West St. Paul, Minnesota, is married and one of the surviving heirs of said decedent.

That the representative of this estate, who is her brother, made and filed objections to a claim she filed against this estate, the set-off being more particularly set out in paragraphs numbered three and four of the same which were made and filed with the Clerk of this Court, December 8, 1944, and are in the nature of this affiant having fraudulently obtained property consisting of money from decedent during his lifetime and exercised undue influence upon him who was then and there of unsound mind, and in a weak physical condition and unable to manage and have possession of his own affairs and that because of his condition and the fraud perpetrated upon him, she succeeded in obtaining

the money alleged in said set-off, when in fact and in truth a certain sum of money was given to her and her sister, Mrs. Suek, by their father, this decedent, and all for a valuable consideration pursuant to an agreement or contract with him and decedent was at no time of unsound mind.

Further this affiant states that said set-off against her claim is improper, illegal, and the Court is without jurisdiction to entertain the same for hearing or decision.

That hearing on said claim and set-off is January 6, 1945, in said Court. That this affiant moves for a postponement of said hearing so that her motion maybe heard and decision thereon before the hearing on her claim to perhaps relieve her of the needless expense of going to St. Cloud, Minnesota, with a number of witnesses.

That she moves said Court for an Order striking said matters contained in paragraphs three and four as set-offs contained in the representative's objections and set-offs made and filed herein.

That said motion is made and based upon this affidavit, notice hereto attached, said claim, objections and set-offs, and on the files herein.

Said appearance is made specially and for no other purpose than that stated herein and in the notice hereto attached.

Flora Fristensky
Flora Fristensky

Subscribed and sworn to before me
this 14th day of December, 1944.

Albert J. Mueller
Albert J. Mueller, Notary Public,
Ramsey County, Minnesota,
My commission expires, November 20, 1949.

STATE OF MINNESOTA
COUNTY OF RAMSEY
IN PROBATE COURT

IN THE MATTER OF THE ESTATE
OF JOSEPH FABECK, DECEDENT.

NOTICE OF MOTION BY FLORA
FRISTENSKY

AND

AFFIDAVIT

FILED THIS 19th DAY
OF Dec, A.D. 1944
M. H. M. M.
Clerk of Probate

ALBERT J. MUELLER
FIRST NATIONAL BANK BLDG.
ST. PAUL. - MINNESOTA
ATTORNEY

for claimant.

9917 5622
4435 1163

COUNTY OF STEARNS

In the Matter of the Estate of Joseph Fabeck, Decedent

OBJECTIONS AGAINST THE ISSUANCE OF AN ORDER TO SHOW CAUSE WHY THE REPRESENTATIVE SHOULD MAKE AND FILE HIS FINAL ACCOUNT HEREIN, ASKED FOR BY FLORA FRISTENSKY, ONE OF THE HEIRS OF THE DECEDENT, AND OBJECTIONS TO PROVISIONS AND ALLEGATIONS OF SAID HEIR'S PETITION RELATIVE HERETO

Comes now John Lang, one of the attorneys for the representative of the estate of the above decedent, and states as follows:

I.

That he is one of the attorneys for Nickolaus Fabeck, executor of the will of the above decedent

II.

As a matter of fact and as affirmatively appears by the affidavit of the person asking for the order, the claims against said estate are not all settled and allowed, or disallowed.

III.

The representative of this estate is informed and verily believes that there are assets belonging to this estate in the hands of the applicant for said order which she refuses to turn over to said representative; that the representative is now engaged in investigating the matter preparatory to the submission of the facts upon which this claim is founded to this Court and forming the basis for directing the representative of this estate to bring action against said applicant and others to recover said assets.

IV.

That such hearing would incur large expense to said estate which would necessarily result in the denial of such order by this Court.

It is respectfully submitted that said hearing as asked for by said Flora Fristensky be denied, and in all events the order petitioned for be denied.

Dated April 17, 1945

State of Minnesota)
County of Stearns) ss

John Lang
Attorney for Representative

John Lang, being first duly sworn, says that he is one of the attorneys for the representative of the above estate; that the matters therein stated are true of his own knowledge except as to those matters state on information and belief and that as to such matters he believes it to be true; that the reason he makes this affidavit is that the representative of the estate is not present.

Subscribed and sworn to before me
this 17th day of April, 1945

Henry W. Moser

HENRY W. MOSER
Notary Public, Stearns Co., Minn.
My Commission Expires Oct. 23, 1949

John Lang

File No. 13,360
State of Minnesota
County of Stearns
In Probate Court

Re:
Joseph Fatack, Decedent

Objections against issuance of
order to show cause why rep-
resentative should make and
file final account and objections
to petition relating thereto

Mr. Commissioner of State
MELROSE, MINN. 56000
MAY 11 1945

FILED THIS 18th DAY
OF April A.D. 1945
Frank Herzog
Clerk of Probate

Stephens & Lang,
Melrose, Minnesota

5911 5600

STATE OF MINNESOTA
COUNTY OF STEARNS

IN PROBATE COURT

IN THE MATTER OF THE ESTATE
OF JOSEPH FABECK, DECEDENT.

PETITION FOR AN ORDER
TO SHOW CAUSE

STATE OF MINNESOTA)
COUNTY OF RAMSEY) SS

Flora Fristensky, being first duly sworn upon oath deposes and says that she is one of the heirs of the decedent above named.

That the time to file claims against the estate of the above named decedent pursuant to an Order made by this Court, August 7, 1944, expired December 8, 1944, and that on or about September 1, 1944, Nickolaus Fabeck was appointed executor under the Will of said decedent and who subsequently qualified as such and ever since has been the duly appointed executor of the above named estate.

That your petitioner has been informed and verily believes that the said proceedings maybe concluded and the estate assigned to the persons entitled thereto except for a claim in the sum of \$74.68 which in fact should be \$59.68 by your petitioner against this estate which has not been heard nor allowed because of the objections interposed by the representative of this estate and that your petitioner has been advised and believes that in furtherance of the interests of all of the persons entitled to said estate that the same be concluded thereby

avoiding further expense for services to the representative and his attorneys and prays for an Order to Show Cause why the representative of this estate should not appear before this Court on a day to be set, why he should not make and file his ^{inventory and appraisement and} account and obtain an Order for hearing thereon, notwithstanding the order granting twelve months.

Flora Frietschy

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

Albert J. Wueller

Albert J. Wueller, Notary Public,
Ramsey County, Minnesota,
My commission expires November 20, 1949.

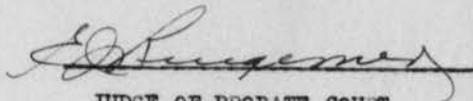
O R D E R

To Nickolaus Fabeck, executor of the estate of the above named decedent, and Messrs. Stephens and Lang, his attorneys.

Upon reading and filing the petition for an Order to Show Cause in the within entitled matter, why the representative should not make and file his ^{inventory of assets and} final account and obtain an Order for hearing thereon,

IT IS HEREBY ORDERED, That Nickolaus Fabeck, as such executor show cause before this Court on the 20 day of April, 1945, at 2 o'clock P.M., in the Probate Court Room in the Court House, in the City of St. Cloud, Minnesota, and that a copy of this Order and the petition herein be served upon his attorney, ten (10) days before the date for said hearing, exclusive of the day of such service.

Dated: April 4, 1945.


JUDGE OF PROBATE COURT

ORIGINAL
FILE NO. 13360

STATE OF MINNESOTA
COUNTY OF STEARNS
IN PROBATE COURT

IN THE MATTER OF THE ESTATE
OF JOSEPH FABECK, DECEASED.

PETITION AND ORDER
TO SHOW CAUSE

FILED THIS 4th DAY
OF April A.D. 1945
Frank Herzog
Clerk of Probate

ALBERT J. MUELLER
FIRST NATIONAL BANK BLDG.
ST. PAUL. - MINNESOTA
ATTORNEY

for petitioner.

State of Minnesota,

Stearns

} ss.

County of

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Joseph Fabeck

Order Appointing Appraisers

Decedent.

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

It is ordered that John M. Rieland

and

Henry F. Raeker

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

Dated this 21st day of May, 1945

(PROBATE COURT SEAL)

J. J. Reegen
Probate Judge

No. 13,360

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Joseph Fabock

Decedent.

Order Appointing Appraisers

Filed **May 21st**, 19 **45**

Frank Herzog

Probate ~~Judge~~ Clerk.

No. 3679)½*

9035 1171

State of Minnesota,

IN PROBATE COURT

County of Stearns

File No. 13,360

In the Matter of the Estate of

INVENTORY AND APPRAISAL

JOSEPH FABECK,

Date of Death July 17th, 1944

Decedent.

OATH OF APPRAISERS

State of Minnesota,

County of Stearns
Henry F. Raeker

I, John M. Rieland, 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

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

Subscribed and sworn to before me this 21st day of May, 1945

John M. Rieland
Henry F. Raeker

Notary Public, M. Stearns, Stearns County, Minn.

My commission expires Jan. 14, 1948

(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 his possession and of which his 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 _____, State of Minnesota, consisting of _____ acres in area described as follows, to-wit: <small>(give acreage)</small>	Specify Encumbrances and Respective Amounts	Net Value Over Encumbrances
none		
(b) All other real estate of decedent being in the County of _____, State of Minnesota, described as follows, to-wit:		\$ _____
none		

FORWARDED

Exhibit "A"

CLASS V* MORTGAGES, BONDS, NOTES AND OTHER WRITTEN EVIDENCES OF DEBT

Item	interest to date of Death	Principal	Appr.Val. Prin.&Int.
Certificate of Deposit in Freeport Bank #11889			256.25
" " " #11902			630.00
" " " #11869			1000.00
" " " #11931			350.00
" " " #11950			600.00
" " " #11965			982.00
" " " #11919			352.00
" " " #11819			1249.00
Seventeen (17) shares of 7% Northern States Power pfd. No. CA-O 25402		-	1600.00 -
U.S. Savings Bond Series G. No. C1616581G9/17/43			100.00
" " " No. C1616582G "			100.00
" " " No. C1616583G "			100.00
" " " No. C45266C 1/15/37			100.00
" " " No. C45267C 1/15/37			100.00
" " " No. L45266C 1/15/37			50.00
			<u>7,567.25</u> 7567.25



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

ss.

Nickolaus Fabeck,

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

Subscribed and sworn to before me this 21st day of May, A. D. 1945

Nickolaus Fabeck
Nickolaus Fabeck

Representative

Notary Public, M. A. BELL, Freeport, Minnesota, Stearns County, Minn.
My commission expires Jan. 14, 1948, 19

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

Joseph Fabeck,

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 21st day of May, A. D. 1945

John H. Rindland
Henry F. Racker
Appraisers.

File No. 13,360

State of Minnesota,

County of Stearns

PROBATE COURT

In the Matter of the Estate of

Joseph Fabeck
Decedent.

Inventory and Appraisal

Total Personal - \$ 7579.25
Total Real Estate - \$ None
Total Appraisal - \$ 7579.25

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

day of May, 19

Deputy-Treasurer of
County, Minnesota.

Filed this 25th day of May, A. D. 1945

Maule Perry
Probate Clerk
Stephen & Perry
Attorneys

STATE OF MINNESOTA

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

Joseph Fabock

Decedent

INHERITANCE TAX RETURN

Date of death July 17, 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. XXXNOXXX

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. -

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).....

Nickolaus Fabeck

(Address).....

Nickolaus Fabeck
Rt. 2, Albany, Minnesota.

Subscribed and sworn to before me this

.....
21st.....

day of

.....
May.....

, 19**45**..

.....
M. A. Bell
M. A. BELL, Freeport, Minnesota
Notary Public, Stearns County, Minn.
My Commission Expires Jan. 14, 1948

File No. 13.360

STATE OF MINNESOTA

County of Stearns

Re: Estate of

Joseph Fabach
Decedent.

INHERITANCE TAX RETURN

Filed

May 25-1945

Frank Herzog

Clerk of Probate Court.

Name

Stephens & Cary

Address

Melrose, Minn

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.

0075 1179

STATE OF MINNESOTA

IN PROBATE COURT

COUNTY OF STEARNS

IN THE MATTER OF THE ESTATE OF JOSEPH FABECK, DECEDENT

STIPULATION AND AGREEMENT AS TO THE OWNERSHIP OF CERTAIN PROPERTY CLAIMED BY THE REPRESENTATIVE OF THE ESTATE AND WITHDRAWAL OF A CERTAIN CLAIM FILED BUT NOT HEARD, AGAINST SAID ESTATE

WHEREAS, the representative of the above estate claimed the sum of \$3400.00 for and in behalf of said estate which was received by Flora Fristensky and Veronica Suek, from the proceeds of the sale of certain real estate, believed by the representative of said estate to be the property of decedent, together with a further sum of \$1570.00 which said representative also claimed, from said Flora Fristensky, and so believing interposed the same as a counterclaim to a claim heretofore filed against said estate by said Flora Fristensky; and

WHEREAS, It was made to appear that some time prior to the time of the sale and conversion of said real estate, the said real estate was for a good and valuable consideration conveyed to said Flora Fristensky and Veronica Suek; and that said sum was actually the price received from their own property, and

WHEREAS, the said Flora Fristensky had in her possession at the time of the death of decedent the sum of \$1570.00 belonging to decedent, which sum except the sum of \$111.55 the said Flora Fristensky distributed among the several heirs of the above decedent, other than the children of Clara Schapps, and in good faith, and

WHEREAS, the parties hereto are desirous of making an amicable settlement of all the foregoing matters, for the purpose of expediting the settlement of said estate:

NOW, THIS AGREEMENT, made and entered into this 5 day of July, 1945, between Nicholas Fabeck, as Executor of the Will of the above named decedent, and Representative of the Estate of said decedent, party of the First Part, and Flora Fristensky and Veronica Suek, parties of the Second Part;

WITNESSETH::That in consideration of the premises, and the matters and things hereinbefore recited, said parties mutually agree as follows:

1. That Nickolaus Fabeck, (sometimes written Nicholas Fabeck), as such representative, hereby disclaims all right, title, or interest in the said sum of \$3400.00 hereinbefore referred to.

2. That said Flora Fristensky hereby withdraws her claim of \$74.68 heretofore filed against said estate, and hereby consents to the making of an order of the above named Court, disallowing the same.

3. That the distribution of the sum of \$1570.00 so made by the said Flora Fristensky in sums and to the persons aforesaid be retained by each of such persons, and shall be treated upon final accounting in the above entitled matter as advancements made by decedent of the respective sums so received by said persons and heirs, to said persons and heirs upon said final accounting and distribution.

4. That all actions or proceedings for the recovery of any and all such sums of money be and the same are hereby dismissed, without costs to either party.

It is further mutually agreed by and between the parties hereto, that the above named Court, may make its order in pursuance of this agreement.

Dated this 5th day of July, 1945 and executed the same day and time in triplicate.

Nickolaus Fabeck
Representative of the Estate of Joseph Fabeck,
Decedent

Stephens & Lang
Stephens & Lang, attorneys for said Representative

Flora Fristensky
Flora Fristensky

Veronica Suck
Veronica Suck

Albert J. Mueller
Albert J. Mueller, attorney for Flora
Fristensky and Veronica Suck.

ORIGINAL

STATE OF MINNESOTA
COUNTY OF STEARNS
IN PROBATE COURT

IN THE MATTER OF THE ESTATE
OF JOSEPH FAHECK, DECEDENT.

STIPULATION OF SETTLEMENT AND
DISMISSAL OF CLAIM, ETC..

FILED THIS 11th DAY
OF July, A.D. 1945
Frank Nery
Clerk of Probate

ALBERT J. MUELLER
FIRST NATIONAL BANK BLDG.
ST. PAUL, - MINNESOTA
ATTORNEY

2811 SEAN

STATE OF MINNESOTA

IN PROBATE COURT

COUNTY OF STEARNS

Estate

In the matter of the Guardianship
of Joseph Fabeck, Decedent.

ORDER

Upon the attached petition and all the files, records and
proceedings herein, it is hereby

ORDERED that Nicholas Fabeck, ~~guardian~~ of the estate of Joseph
Fabeck, pay to the Bureau of Catholic Charities of Saint Paul, Minnesota,
guardian of Nicholas, Elizabeth and Mary Ann Schaps, the sum of \$161.63
due Nicholas, \$161.63 due Elizabeth, and \$161.63 due Mary Ann Schaps.

Dated March 9-1946


E. J. RUEGGER, Judge of Probate
Stearns County, Minnesota

MADE IN U.S.A.

Fidelity Onion Skin
Calkins

STATE OF MINNESOTA

IN PROBATE COURT

COUNTY OF STEARNS

In the matter of the Guardianship
of Joseph Fabeck.

PETITION

I Richard Woodhasty, being first duly sworn, deposes
and states that he is the Director of the Bureau of
Catholic Charities of Saint Paul.

That there is in the possession of Nicholas Fabeck, as guardian
of the estate of Joseph Fabeck, certain sums of money belonging to Nicholas
Schaps, Elizabeth Schaps and Mary Ann Schaps, minor children of Peter and
Clara Schaps; that the monies belonging to said minors is \$161.63 to each
minor.

That said minors were placed under the guardianship of the Bureau
of Catholic Charities of Saint Paul, Minnesota, a charitable agency, on
July 16, 1937, by the Juvenile Court of the District Court, Second Judicial
District, Ramsey County, Minnesota; that a copy of the order appointing
the Bureau of Catholic Charities guardian is attached hereto.

That the said Bureau of Catholic Charities have expended for
the care, support and maintenance of the children from 1937 through
January, 1946, the following amounts: Elizabeth \$344.67 with credits
to date of \$10.00; Mary Ann \$449.71 with no credits received; Nicholas
\$1370.56 with \$15.00 credits received to date; and that the amounts received
herein will only partially reimburse the Bureau of Catholic Charities for
amounts expended in behalf of these minors to this date.

WHEREFORE, petitioner prays an order of this Court directing
Nicholas Fabeck, guardian herein, to pay to the Bureau of Catholic Charities
the sum of \$161.63 due each of the following minors, namely, Nicholas,
Elizabeth and Mary Ann Schaps.

Richard Woodhasty

Subscribed and sworn to before me

this 8th day of March, 1946.

Helen M. Hoeller
Notary Public, Ramsey County, Minnesota

HELEN M. HOELLER,
Notary Public, Ramsey County, Minn.
My Commission Expires April 12, 1950.

0035 1184

JTA

STATESEY

COURT

DISTRICT COURT

SECOND JUDICIAL DISTRICT

Matter of the Dependency of
Ralph, Joseph, Nicholas, Elizabeth,
and Mary Ann Schaps.

This matter came on for hearing this 16th day of July, 1937, Mrs. Ben Suek, maternal aunt of said children appearing in court and the Court being advised in the premises, finds that Peter Schaps, father of said children is a ward of the State of Minnesota and is confined in the hospital at Hastings, Minnesota; that the mother of said children died on May 8th, 1937; that said children are dependant; that they are normal children and in need of guardianship, care and control. It is therefore

ORDERED that the Bureau of Catholic Charities be and are hereby appointed guardian of the said Ralph, Joseph, Nicholas, Elizabeth and Mary Ann Schaps, the purpose being, of course, to care for them and see that they are provided with proper homes. The arrangement with the two aunts, of course, is desirable and would be advantageous to the children and probably to the relatives if the other children can find homes with relatives.

Fidelity
RICHARD A. WALSH
District Judge
Judge, Juvenile Court.

Original
File No. 13360

STATE OF MINNESOTA
COUNTY OF STEARNS

IN PROBATE COURT

Matter of the *Estate*
Estate of Joseph

ORDER and PETITION

Filed This 9th Day of March

1946, and Recorded in Book 83

on Page 623 thereof.

Frank Herzog
Clerk of Probate

Ed S. Gibson
Attorney for Petitioner
205 Wilder Building
Saint Paul, 2, Minnesota

STATE OF MINNESOTA

COUNTY OF STEARNS

IN PROBATE COURT

In the matter of the Estate of Joseph Fabeck, Decedent

Petitioner respectfully alleges and shows to the Court:

John Lang, does hereby state that he is an interested person in the above proceeding as attorney for Nickolaus Fabeck, representative of the above estate, his offices at Melrose, Minn.

II.

That there is in possession of Nickolaus Fabeck, representative of the above estate the sum of \$161.63, payable to Roman Schapps as a distributive legatee of the above decedent and of his estate.

III.

that the Honorable "STATE BOARD OF CONTROL, St. Paul, Minnesota" is the guardian of the person of said ~~Nick~~ Roman Schapps, and ~~ix~~ has custody and care of said Roman Schapps, and manages his affairs.

IV.

That said Board of Control has been and is expending sums of money greatly in excess of said sum of \$161.63 in behalf of said ~~Nick~~ Roman Schapps, for his board, room and other living expenses.

V.

That it is for the best interests of all concerned if said sum of \$ 161.63 be turned over to said State Board of Control as entity and persons entitled to said sum in behalf of said Roman Schapps, That certified copy of warrant of commitment herein is attached marked exhibit "A"

State of Minnesota } ss
County of Stearns }

John Lang

John Lang, being first duly sworn, on oath says that he is the person who made and signed the foregoing petition; that he has read the same and 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 that as to those matters he believes it to be true.

John Lang

Subscribed and sworn to before me this 6th day of April, 1946

Victoria Weisbruck

Notary Public, Stearns County, Minnesota
My Commission Expires October 17, 1946

STATE OF MINNESOTA

IN PROBATE COURT

COUNTY OF STEARNS

In the matter of the Estate of Joseph Fabeck, Decedent

ORDER

Upon the foregoing petition and all the files, records and proceedings herein, it is hereby ordered

THAT Nickolas Fabeck, representative of the estate of Joseph Fabeck, pay to the STATE BOARD OF CONTROL, ST. PAUL, MINNESOTA guardian of Roman Schapps, the sum of \$161.63, being distributive share due to said Roman Schapps, in the above mentioned estate.

BY THE COURT:

W. R. [Signature]

Dated April 8th, 1946

(ORIGINAL)

STATE OF MINNESOTA
COUNTY OF RAMSEY

IN PROBATE COURT

In the matter of the Feeble-mindedness of
Roman Schaps

To the Honorable State Board of Control, St. Paul, Minnesota
GENTLEMEN:

Roman Schaps having been brought before this Court on information filed as to his feeble-mindedness and a full hearing having been had thereon and the Board of Examiners found such person to be not insane, but so mentally defective as to be incapable of managing himself and his affairs and to require supervision, control and care for his own and the public welfare.

NOW THEREFORE, This Court hereby commits the said Roman Schaps to your care and custody, as guardian of his person.

Given under my hand and the seal of the Probate Court this---
day of DEC 3 1926 19__

Howard Wheeler

Judge of Probate Ramsey County,
Minnesota

Due delivery of the duplicate original of the foregoing warrant of Commitment at St. Paul, Minnesota, this 8th day of December, 1926, is hereby acknowledged.

STATE BOARD OF CONTROL

By Mildred Thomson
Supervisor, Dept. for Feeble-Minded

F I L E D

DEC 9 - 1926

F. W. GOSWICK, Clerk,

By FWG Deputy

STATE OF MINNESOTA
COUNTY OF RAMSEY

PROBATE COURT

I, H. P. CURRER, Clerk of Probate Court of said County, do hereby certify that I have compared the annexed copy of Warrant of Commitment in re feeble-mindedness of ROMAN SCHAPS,

with the original records and files preserved in said Probate Court, and that the same is a true and correct transcript therefrom, and the whole of said original records and files.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the Probate Court of said County, at St. Paul, in said County, this 11th day of February A. D. 1946

MG *H.P. Currer*
Clerk of Probate Court, Ramsey County, Minn.

STATE OF MINNESOTA
COUNTY OF RAMSEY
PROBATE COURT

Re Feeble-mindedness of
Roman Schans,

Certified Transcript of

Warrant of Commitment

No 917

0035 1190

STATE OF MINNESOTA 13.360
COUNTY OF STEARNS

IN PROBATE COURT

IN THE MATTER OF THE
ESTATE OF
PH FABECK, DECEDENT

PETITION AND ORDER
ROMAN SCHAPPS

Filed This 26 Day of April
1946, and Recorded in Book 23
Page 612 thereof.
Frank Herzog
Clerk of Probate

1946 APR 26

State of Minnesota, }
 County of Stearns } ss.

IN PROBATE COURT
 File No. 13,360

IN THE MATTER OF THE ESTATE OF Joseph Fabeck DECEASED

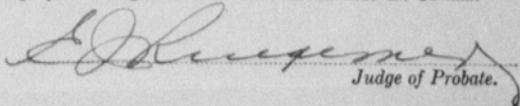
WHEREAS, It has been made to appear to the satisfaction of this Court that

Nickolaus Fabeck

as representative of the above named estate has fully complied with all the terms and conditions of the final decree of distribution of said estate duly made and filed in this Court and has paid over to the distributees named in said final decree all moneys, funds and property to them awarded by said final decree, and has fully complied with all other orders and decrees of this Court relating to said estate, and has in all things well, faithfully and fully administered said estate as such representative

IT IS THEREFORE ORDERED AND DECREED, That said representative of said estate and the sureties on his bond, be, and they hereby are, forever discharged and released from all further duties and liabilities in the matter of said estate and of said trust.

Dated this 26th day of April A. D. 1946


 Judge of Probate.

Stearns County, Minn.

No. 13,360

In Probate Court

County of Stearns

IN THE MATTER OF THE ESTATE OF

Joseph Fabeck

Deceased.

Order Discharging Executor or Administrator and Sureties

Filed this 26th day of

April 19 46

Recorded in book 75 of orders at

page

600

Frank A. S. Jay

Clerk of Probate.

State of Minnesota,

County of

Stearns

} ss.

IN PROBATE COURT.

In the Matter of the Estate of

Joseph Fabeck

Decedent.

ORDER ALLOWING FINAL ACCOUNT.

The above entitled matter came on to be heard on the 17th day of August, 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 his attorneys, Stephens & Lang, 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 July, 1945, in the Melrose Beacon, 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	\$ 7579.25
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 & dividends	\$ 159.43
Cash from other sources (Advanced to heirs and as per agreement filed herein - Firstensky)	\$ 1570.00
	\$
Total receipts from all sources	\$ 9308.68

DISBURSEMENTS AND CREDITS

Estate selected for surviving spouse	\$
Maintenance of family of decedent	\$
Expenses of administration	\$ 693.68
Expenses of last sickness	\$ 6.00
Funeral expenses	\$ 589.13
Taxes	\$
Claims of creditors of decedent	\$
Legacies	\$ 100.00
	\$
	\$
Residue on hand for distribution	\$ 7919.87
Total credits	\$ 9308.68

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 August 17th, 1945

By the Court,

E. H. Hughes
Probate Judge

No. 13,560

State of Minnesota,

County of Stearns

PROBATE COURT.

In the Matter of the Estate of

Joseph Fabek

Decedent

Order Allowing Final Account.

Filed this 17th day of
August, 1945, and
recorded in Book No. 22 of Orders,
on Page 242

Frank H. 1209
Clerk-Judge of Probate.

State of Minnesota,

County of

Stearns

IN PROBATE COURT

File No. 13,360

In the Matter of the Estate of

Joseph Fabeck,

Decedent.

Final Decree of Distribution

The above entitled matter came on to be heard on the 17th day of August, 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 s, Stephens & Lang, 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 17th 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 \$ 7919.87 comprising the following items:

Cash.

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

None.

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

None.

FIFTH—That the following named persons are the residuary devisees and legatees

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

✓ Rosa Linn, Nikolaus Fabeck, Veronica Suck, Flora Fristensky, Edward Fabeck, and Bernard Fabeck, children of said decedent.

Also Edwin Schaps, Roman Schaps, Ralph Schaps, Joseph Schaps, Nicholas Schaps, Mary Ann Schaps and Elizabeth Schaps, children of Clara Fabeck Schaps, a deceased daughter of decedent.

Now, Therefore. On motion of Stephens & Lang, 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:

One-seventh (1/7) thereof to each of the above named children of decedent, and one-seventh (1/7) thereof, collectively, to the above named children of Clara Fabeck Schaps, 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:

None for assignment.

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 e, 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 17th day of August, 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. 13,360
State of Minnesota,
County of Stearns
IN PROBATE COURT

In the Matter of the Estate of
Joseph Fabock
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 17th day of AUGUST, 19 45, and recorded in Book 72 of Deeds, page 19

[Signature]
Judge - Clerk of Probate Court.
No. 5551*