



[Stearns County \(Minn.\)](#)  
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13,377

State of Minnesota, }  
 County of Stearns } ss.

## IN PROBATE COURT

In the Matter of the Guardianship of

Irene Barbara Theisen

Minor

 PETITION FOR APPOINTMENT  
 OF GUARDIAN OF MINOR.....

TO THE COURT ABOVE NAMED:

The petitioner herein represents and alleges:

First—That his address is 212--7th Ave. South, St. Cloud, Minnesota., Minnesota, and that he is interested herein as follows, to-wit: He, together with John Nies of Richmond, Minnesota, are named in the will of Michael Nies, Decedent, as guardians for the above named ward, the said ward being the grand-father of the said minor.

Second—That the name....., age....., date....., and place of birth of said minor..... are as follows, to-wit:

Name	Age	Date and Place of Birth
Irene Barbara Theisen	approaching 19	December 9, 1925, St. Cloud, Minnesota.

Third—That said minor is a resident of Stearns County, Minnesota, and reside at Cold Spring in the County of Stearns and State of Minnesota in the custody of ~~her mother~~ emancipated

Fourth—That the names and addresses of the parents (if parents are dead give information as to close adult relatives) of said minor..... are as follows:

Name	Relationship	Address
Paul J. Theisen	Father	Cold Spring, Minnesota

Fifth—That said minor is your petitioner and the said John Nies ~~is the~~ testamentary guardian, and that no proceedings are pending in any other Court of this State involving the care or custody of said minor..... or her estate.

0052 1611



Sixth—That it is necessary and expedient that a testamentary guardian of the estate ~~and person~~ of said minor be appointed.  
(Strike one if both are not desired)

Seventh—That the estimated value and general character of the property of said minor are as follows, to-wit:

A. Personal Property of the estimated value, to-wit: - - - - - \$

1. Household goods - - - - - \$

2. Wearing apparel - - - - - \$

3. Corporate stock - - - - - \$

4. Notes and bonds - - - - - \$

5. Cash - - - - - \$

1/20 share in estate of Michael Nies - - - - - \$ 50.00

6. Miscellaneous Life insurance (estimated) - - - - - \$ 35.00

B. Real Property of the estimated value, to-wit: - - - - - \$

1. Homestead in \_\_\_\_\_ 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 with buildings \$

City Property \_\_\_\_\_ Lots without buildings \$

b. Rural Property \_\_\_\_\_ acres improved land \$

Rural Property \_\_\_\_\_ acres unimproved land \$

3. Rental value of said real property is - - - - - \$

Eighth—That the probable amount of debts of said minor is \$ None known.

Ninth—That John Nies and Edward A. Kruchten, who are named in the will of the said Michael Nies as guardians, and County, Minnesota whose Post Office address is John Nies, R.F.D., 2, Richmond and Edward A. Kruchten 212—7th Ave. So., St. Cloud, Minnesota, are ~~and~~ suitable and competent persons to act as guardian of said minor and that ~~they are~~ they are of legal age years and his occupation is John Nies, Farmer; Edward A. Kruchten Deputy Register of Deeds of Stearns County, Minn.

WHEREFORE YOUR PETITIONER PRAYS, That the Court appoint the said John Nies and Edward A. Kruchten, or some other suitable and

competent person, to be the guardians testamentary guardian of the ~~person and~~ estate of the said  
(Strike one if both are not desired)

Irene Barbara Theisen

Dated August 25th, 1944

Edward A. Kruchten

Petitioner.

VERIFICATION

State of Minnesota,

County of Stearns

} ss.

Edward A. Kruchten

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 those matters therein stated on information and belief, and as to those matters he believes it to be true.

Edward A. Kruchten

Subscribed and sworn to before me this 29th

day of August 1944

William A. Burger

Notary Public Stearns County, Minnesota.

My Commission Expires March 31-1948

CONSENT OF GUARDIAN TO ACT

I, John Nies and I, Edward A. Kruchten of the City of St. Cloud, Minnesota

and of R.F.D. 2, Richmond, Minnesota in the County of Stearns

State of Minnesota, do hereby consent to act as testamentary guardian of the

estate of Irene Barbara Theisen

during minority, if appointed such guardian by the Court.

Edward A. Kruchten

Dated August 31- 1944

John Nies

CONSENT OF PARENTS AND CUSTODIAN

I, or We, the parents and custodian of the above named minor, do hereby consent to the appointment of the guardian of the above named minor as herein petitioned for and waive notice of hearing thereon.

Father

Mother

Custodian

Subscribed and sworn to before me this 31st

day of August 1944

William A. Burger

Notary Public Stearns County, Minnesota.

My Commission Expires March 31-1948

File No. 13,377

State of Minnesota,  
County of Stearns

IN PROBATE COURT

In the Matter of the Guardianship of

Irone Barbara Heisen  
Minor

PETITION FOR APPOINTMENT  
OF GUARDIAN OF MINOR

Filed August 31st 1944

Frank H. Hoyer  
Probate Judge Clerk.

No. 9628\*

4191 2500

State of Minnesota,  
County of Stearns } ss.

## IN PROBATE COURT

IN THE MATTER OF THE GUARDIANSHIP OF

Irene Barbara Theisen,  
Minor

Ward.

## Order Appointing Guardian

The above entitled matter came on to be heard and considered by the court on the 31st  
day of August 19 44, upon the petition of Edward A. Kruchten  
praying that a guardian be appointed of the estate  
of the above named minor; and the court, having  
considered the said petition and the evidence adduced in support thereof, and examined the files and records in said  
matter, finds the following facts, to-wit:

First—That notice of said hearing on said petition was given as required by law by the service of the order of  
this court for said hearing upon said  
personally, more than fourteen days prior to said day of hearing.

Second—That said Irene Barbara Theisen is a  
resident of Cold Spring in said County of  
Stearns State of Minnesota; and is the owner of certain property described in  
said petition.

Third—That said Irene Barbara Theisen is unable  
and incompetent to care for and manage her said property by reason of the facts and  
disabilities following to-wit: that she is a minor.

Fourth (1)

Fifth—That Edward A. Kruchten and John Nies  
of St. Cloud and Richmond respectively, in the County of  
Stearns State of Minnesota, is a suitable person to act as guardian  
of said minor.



IT IS THEREFORE ORDERED, that the said Edward A. Kruchten and John Nies

be, and <sup>are</sup> ~~thereby is~~ appointed guardian <sup>s</sup> of the

estate of said Irene Barbara Theisen

, and that before entering

upon ~~his~~ <sup>their</sup> duties as such guardian and before letters of guardianship be to them ~~now~~ issued, ~~the~~ <sup>y</sup>

take, subscribe and file in this court the oath by law required and give bond to the Judge of this Court in the penal sum of Five Hundred and no/100 (\$500.00) - - - - -

DOLLARS,

with sufficient sureties and conditioned according to law, to be approved by this court.

(2)

Dated August 31st,

19 44

*E. A. Kruchten*  
Judge of Probate Court.

NOTE (1) Insert conditions and need, if any, as to care, treatment, education, etc., under Sec. 3835 and 3836, Chap. 74 of Code.

NOTE (2) Insert conditions, if any, as to care, treatment, maintenance, education, etc., under Sec. 3835 and 3836, Chap. 74 of Code.

13,377

State of Minnesota,

County of Stearns

## PROBATE COURT

IN THE MATTER OF THE GUARDIANSHIP OF

Irene Barbara Theisen,

Minor Ward.

## ORDER APPOINTING GUARDIAN

Filed this 31st day of  
August 19 44, and  
recorded in Book 85 of orders at  
Stearns 145

*M. A. Kruchten*  
Clerk of Probate.

State of Minnesota,  
County of Stearns } ss.

## IN PROBATE COURT,

IN THE MATTER OF THE GUARDIANSHIP OF

Irene Barbara Theisen,

Minor Ward. }

## Letters of Guardianship

To Edward A. Kruchten and John Nies

Greeting:

**Whereas**, You have been appointed Guardian<sup>s</sup> of the ----- estate of the above named ward, by the order of this Court, and have duly qualified according to law to act as such guardian.

**Now Therefore**, Reposing full faith and trust in your competency, ability and integrity, these Letters of Guardianship are issued to you by the Court, authorizing you to act as the guardian of the ----- estate of the above named Ward, with full powers, duties and responsibilities incident to such trust according to law, during the disability of said Ward, or until the further orders of the Court in the premises.

As such Guardian, you are required to make and file in this Court a full and true inventory of all the property and estate of said Ward, within ~~three months~~ <sup>one month</sup> from the date hereof; to take possession and control of all the property and estate of said Ward, both real and personal, and the profits, emoluments and proceeds thereof, and safely keep, care for, manage, and conserve, invest and re-invest the same, as economically as possible; and, so far as necessary, apply the income and profits and personal property thereof to the suitable maintenance and support of said Ward and the payment of all the just debts of said Ward, if the same be sufficient therefor; and if the same be not sufficient, then out of the proceeds of the sale of real estate of said Ward, to be made under the ~~decree~~ <sup>order</sup> of this Court. And you are also authorized and required to collect, demand, sue for, and receive, all debts due said Ward, and to represent said Ward in all legal proceedings, and to compound debts due said Ward, with the approval of this Court, and discharge debtors so compounded with.

**You are Further Required**, At the end of each year of your said trust, and at such other times as the Court may require, and at the termination of your said trust to make and file in this Court full and true, accounts, with full itemized statements, of all property received by you and remaining in your hands, of all expenditures and investments made by you, and of what remains in your hands, with full details of the condition and value thereof; and at the termination of your said trust to turn over and to deliver to said Ward, or to her legal representatives, all property and estate of said Ward then remaining in your hands.



You Are Further Required

(1)

Witness the Honorable, E. J. RuegamerJudge of said Court, and the seal of said Court this 13th day of  
September, 19 44 E. J. Ruegamer  
Judge of Probate.

Note (1) If guardian is appointed of the person of Ward also, insert provisions for custody, care of, education, etc., according to Sec. 7442, 7443, and 7444, Chapter 74 General Statutes of Minnesota, 1913.

**State of Minnesota.**

} ss.

**IN PROBATE COURT**

County of \_\_\_\_\_

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 of Guardianship 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 \_\_\_\_\_ this

\_\_\_\_\_ day of \_\_\_\_\_, A. D. 19 \_\_\_\_\_

Probate Judge

**State of Minnesota.**County of Stearns**PROBATE COURT**

IN THE MATTER OF THE ESTATE OF

Irene Barbara Theisen,  
Minor Ward.**Letters of Guardianship**

Long Form

 Filed this 13th day of  
September, 19 44, and  
recorded in Book L of Letters,  
Page 514
Frank M. Voss  
Clerk of Probate.

No. 3824\*

State of Minnesota, } ss.  
County of Stearns

# IN PROBATE COURT.

In the Matter of the Estate of

Irene Barbara Theisen  
Minor Ward

## BOND

Know All Men by these Presents, That we Edward A. Kruchten and John Nies  
of St. Cloud and Richmond, Minnesota, respectively  
in the County of Stearns State of Minnesota, as principal, and  
Charles Schmit and Edward Bloms

of said County and State,  
as sureties, are held and firmly bound to Hon. E.J. Ruessmer  
Judge of Probate of the County of Stearns, Minnesota, in the sum of  
Five Hundred (\$500.00) DOLLARS,  
lawful money of the United States, to be paid to the said Judge of Probate or his successors in office for which payment,  
well and truly to be made, we bind ourselves, our, and each of our heirs, executors and administrators, jointly and severally,  
firmly by these presents.

The condition of this obligation is such that if the above bounden Edward A. Kruchten and John Nies  
who have been appointed representative of the  
estate of the above named Irene Barbara Theisen shall  
well and faithfully discharge all the duties of his trust as representative of said estate according to law, then this obligation  
shall be void; otherwise it shall be and remain in full force and virtue.

Witness, our hands and seals this 13th day of September, A. D. 1944

Signed, Sealed and Delivered in Presence of

William A. Boerger  
H. B. Bigner

Edward A. Kruchten (SEAL)  
John Nies (SEAL)  
Edward Bloms (SEAL)  
Charles Schmit (SEAL)

### ACKNOWLEDGMENT

State of Minnesota, } ss.  
County of Stearns

Be It Known, That on this 13th day of September, A. D. 1944  
personally appeared before me Edward A. Kruchten, John Nies, Edward Bloms and Charles Schmit

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

William A. Boerger  
Notary Public.

My Commission Expires March 21, 1948 Stearns County, Minn.

## JUSTIFICATION

State of Minnesota, }

County of Stearns } ss.

Charles Schmit

of the City of St. Cloud, Stearns County, Minn

and Edward Bloms

of the City of St. Cloud, Minnesota, Stearns Co.

being duly sworn, each for himself says that he is one of the sureties described in and who executed the foregoing bond; that he is a resident and freeholder of the State of Minnesota, and is worth the amount of \$ 500.00 specified in the foregoing bond above his debts and liabilities and exclusive of his property exempt from execution.

*Charles Schmit**Edward Bloms*

Subscribed and sworn to before me this 13th day of September, 1944

*William A. Boerger*

William A. Boerger

Notary Public, Stearns

County, Minnesota.

My Commission Expires March 21, 1948

## APPROVAL

I do hereby approve the within Bond, this

13th

day of

September

A. D. 1944

(Court Seal)

*W. A. Boerger*  
Judge of Probate.

## OATH

State of Minnesota, }

County of Stearns } ss.

I, Edward A. Kruchten and I, John Nies

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 Irene Barbara Theisen, Minor Ward to the best of my ability. So help me God.

*Edward A. Kruchten*  
*John Nies*

Subscribed and sworn to before me this 13th day of September, A. D. 1944

*William A. Boerger*  
William A. Boerger

Notary Public.

My Commission Expires March 21 1948 Stearns County, Minn.

13377  
State of Minnesota,

County of Stearns

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Irene Barbara Theisen  
Plaintiff - Ward.BOND AND OATH OF  
REPRESENTATIVE

Filed this

13th

day of

September

1944

and said Bond recorded in Book

of Bonds, page 417 of Probate  
Records.*Frank Herzog*  
Clerk of Probate.

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

13,378  
**IN PROBATE COURT**

IN THE MATTER OF THE ESTATE OF

Fred H. Witte

Decedent.

Petition for Administration

TO THE PROBATE COURT ABOVE NAMED:

Your petitioner Anna Witte

respectfully represents and states to the Court:

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

Second—That said decedent was born in the Country of Germany  
 and died at St. Cloud, State of Minnesota on the  
27th day of August, 1944, aged 71 years and was  
 at the time of his death a native of U. S. A., and  
 a citizen of the Country of U. S. A. and a  
 resident of St. Cloud County of Stearns, State of  
Minnesota, and was the owner of estate in the County of Stearns  
 State of Minnesota, at the time of his death.

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

Fourth—That said estate of decedent, at the time of his death, included personal property of  
 the probable value of \$540.00, divided as follows:

1. Household Goods,	\$ <u>100.00</u>	2. Wearing Apparel,	\$ <u>no value</u>
3. Stock,	\$	4. Notes, Bonds, etc.,	\$ <u>none</u>
5. Miscellaneous,	\$ <u>440.00</u>	6.	\$

That said estate included real estate of the estimated and probable value of \$3250.00  
 consisting principally of lands in the County of Stearns, State of Minnesota,  
 described as follows, to-wit:

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

A. City Property 33 x 125 feet  
 (Give Area)  
\$3250.00

(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	\$

Fifth—That the probable amount of the debts of decedent is \$80.00





AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA  
COUNTY OF STEARNS

SS.

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

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

ORDER FOR HEARING ON PETITION FOR ADMINISTRATION, LIMITING TIME TO FILE CLAIMS AND FOR HEARING THEREON  
STATE OF MINNESOTA, County of Stearns.—In Probate Court, File No. 15,378.

IN RE ESTATE OF Fred H. Witte, Decedent.

Anna Witte having filed herein a petition for general administration stating that said decedent died intestate and praying that Anna Witte be appointed administrator:

IT IS ORDERED, That the hearing thereof be had on Friday, September 23, 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; 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, January 5th, 1945, 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 St. Cloud News, a legal newspaper, and by mailed notice as provided by law.

Dated September 2nd, 1944.  
(Probate Court Seal)

E. J. RUEGEMER,  
Probate Judge.  
THEODORE F. NEILS, Esq.,  
Attorney for Petitioner.

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

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

was cut from the columns of said newspaper, and was printed and published therein in the English language, once each week, for three successive weeks;

that it was first so published on Thursday the 7th day of September 1944, and thereafter on Thursday

of each week to and including the 21st day of September

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: Order For Hearing On Petition For Administration, Limiting Time To File Claims And For Hearing Thereon

abcdefghijklmnopqrstuvwxyz

*Anton Volkmueth*

Subscribed and sworn to before me this 23rd day of September 1944

*Therese Blaigner*

Notary Public, Stearns County, Minnesota.

My Commission expires 19

WERNER B. AIGNER  
Deputy Register of Deeds  
STEARNS COUNTY, MINN.

0053 1623



13.378

STATE OF MINNESOTA  
County of Stearns

PROBATE COURT  
In the Matter of the Estate of  
Fred H. Witte  
Decedent

Printers Affidavit  
Admin & Claims

FILED THIS 23<sup>rd</sup> DAY  
OF Sept, A.D. 1944  
Mark Herzog  
Clerk of Probate

4291 6500  
0053 1624

State of Minnesota,

County of.....Stearns

848

IN THE MATTER OF THE ESTATE OF

Fred H. Witte

Decedent.

On Hearing for Administration or Probate of  
Will give notice to the Commissioner of Taxation  
and

If decedent was not born in the United States, to  
Foreign Consul or Secretary of State.

ATTACH COPY OF ORDER HERE

ORDER FOR HEARING ON PETITION FOR ADMINISTRATION, LIMITING TIME TO FILE CLAIMS AND FOR HEARING THEREON  
STATE OF MINNESOTA, County of Stearns.—In Probate Court, File No. 13,378.

No. 13,578.  
IN RE ESTATE OF Fred H. Witte,  
Decedent.

Anna Witte having filed herein a petition for general administration stating that said decedent died intestate and praying that Anna Witte be appointed administrator;

be appointed administrator; and in hearing the matter on Friday, September 23, 1944, at nine o'clock A.M. before this Court in the private court room in the court house in the City of St. Cloud, Minnesota, and the time and place within the jurisdiction 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, January 31st, 1945, at 10 o'clock A.M. in the private court room in the court house in the City of St. Cloud, Minnesota; and the notice hereby given to you for publication of the contents of the St. Cloud News, a legal newspaper, and (JOHN) HANSEN as provided by

Dated September 2nd, 1944.

THEODORE F. NEILS, Esq.  
Attorney for Foreigners  
494-14th Minnesota  
9-7-14-21

File No.

## IN PROBATE COURT

Affidavit of Mailing of Order for Hearing

State of Minnesota.

88

County of.....Benton

Theodore F. Neils

being first duly sworn on oath deposes and says that

on the 8th day of September, 1944

at St. Cloud....., in said County and State.....he mailed a copy of the Order hereto attached

in the above entitled matter, to Commissioner

of Taxation

(Commissioner of Taxation)

(Secretary of State or Foreign Consul)

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 St. Cloud, Minnesota

.....and addressed to the following named  
PERSONS:

[illegible]

File No. 13,378

State of Minnesota,  
County of Stearns

**IN PROBATE COURT**

In the Matter of the Estate of

Fred H. Hitt

Decedent.

**AFFIDAVIT OF MAILING**

Adm & Claims

Filed Sept. 29, 1944

Frank Noring

Probate Judge ~~Clerk.~~

0053 1626 9297 6500

**State of Minnesota,**  
County of **Stearns**

IN PROBATE COURT,

IN THE MATTER OF THE ESTATE OF

**Fred H. Witte**

Decedent.

**Order Granting Administration**

The petition of **Anna Witte** praying that letters of administration upon said estate be granted to **Anna Witte** came duly on for hearing at a **special** Term of this Court, held on the **29th** day of **September** 19 **44**. Said petitioner appeared in person and by her attorney, Theodore F. Neils, Esq., and no one appeared in opposition.

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

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

as by law and the order of this Court provided.

Second: That the said decedent died intestate on the **27th** day of **August**, 19 **44**.

Third: That said decedent was a resident of **St. Cloud** at the time of his death and left estate within the County of **Stearns**

and State of Minnesota, to be administered upon.

Fourth: That **Anna Witte** is by law entitled, a suitable and competent person, to administer upon said estate.

Therefore, It is ordered that said petition be granted and **Anna Witte** be and hereby is appointed **administrator** of the estate of said decedent, and that letters of administration issue to **him** upon **his** filing the oath by law required and a bond in this Court in the penal sum of **Five Hundred and no/100 (\$500.00)** Dollars, with sureties to be approved by the Judge of this Court conditioned according to law.

By the Court,

Dated **September 29th,** 19 **44**

(Court Seal)

*[Signature]*  
Judge of Probate.



State of Minnesota,

County of Stearns

## Probate Court,

In the Matter of the Estate of

Fred H. Witte

Decedent.

## Order Granting Administration

Filed the 29th day of  
September 19 44Recorded in Book 75 of orders  
page 178Frank K. Nergog  
Clerk ~~minn~~ of Probate.

State of Minnesota,  
County of Stearns } ss.

## IN PROBATE COURT

In the Matter of the Estate of

Fred H. Witte

## LETTERS OF ADMINISTRATION

Decedent.

Anna Witte

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

Now therefore, the said Anna Witte

is hereby appointed administrator of the estate of Fred H. Witte  
decedent, with full powers and duties as follows:

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

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

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

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

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

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

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

Dated October 4th, 1944 By the Court,



*[Signature]*  
Judge of Probate.



## IN PROBATE COURT

In the Matter of the Estate of

Fred H. Witte

## LETTERS OF ADMINISTRATION

Filed this 4th day of  
October, 1944 and  
 recorded in Book "J" of Letters  
 on page 342

*Frank K. Perry*  
 Clerk of Probate.

No. 3517\*

State of Minnesota,  
 County of \_\_\_\_\_ } 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 of Adminis-  
 tration in the matter therein entitled, now remaining of record in my office, and that the same is a true and correct copy  
 of said original, and the whole thereof.

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

\_\_\_\_\_ day of \_\_\_\_\_, A. D. 19 \_\_\_\_\_.

\_\_\_\_\_  
 Judge of Probate.

State of Minnesota, } ss. IN PROBATE COURT  
County of Stearns }

IN THE MATTER OF THE ESTATE OF -

Fred H. Witte

BOND

KNOW ALL MEN BY THESE PRESENTS, That we Anna Witte  
of the City of St. Cloud  
in the County of Stearns State of Minnesota, as principal and G. H.  
Kahmeyer and Gustave E. Sell

of said County and State as sureties, are held and firmly bound to Hon. E. J. Ruegamer  
Judge of Probate of the County of Stearns Minnesota, in the sum  
of Five Hundred (\$500.00) - - - - - DOLLARS,  
lawful money of the United States, to be paid to the said Judge of Probate or his successors in office; for which pay-  
ment, well and truly to be made we bind ourselves, our, and each of our, heirs, executors and administrators, jointly  
and severally, firmly by these presents.

The condition of this obligation is such that, if the above bounden Anna Witte  
who has been appointed representative of the estate of the  
above named deceased shall  
well and faithfully discharge all the duties of his trust as representative of said estate according to law, then this  
obligation shall be void; otherwise it shall be and remain in full force and virtue.

WITNESS, Our hands and seals this 29th day of September 19 44  
Signed, Sealed and Delivered in Presence of

*Theodore F. Neils*  
*Helen Stewart*

*Anna Witte* (SEAL)  
*G. H. Kahmeyer* (SEAL)  
*Gustave E. Sell* (SEAL)  
(SEAL)  
(SEAL)  
(SEAL)

ACKNOWLEDGMENT

State of Minnesota, } ss.  
County of Benton }

BE IT KNOWN, That on this 29th day of September A. D. 1944  
personally appeared before me Anna Witte, G. H. Kahmeyer and Gustave E. Sell

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

*Theodore F. Neils*  
Theodore F. Neils Notary Public.  
Benton County, Minn.  
My Commission expires September 18, 1947

## JUSTIFICATION

State of Minnesota,

County of Benton

ss.

G. H. Kahmeyer and Gustave E.

Sell

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

the said G. H. Kahmeyer in the sum of Five Hundred (\$500.00) - Dollars,

the said Gustave E. Sell in the sum of Five Hundred (\$500.00) - Dollars,

the said in the sum of Dollars,

the said in the sum of Dollars,

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

Subscribed and sworn to before me this

29th day of September

A. D. 1944

*Theodore F. Neils*  
Theodore F. Neils Notary Public.

Benton County, Minn.

My Commission expires Sept. 18, 1947

## APPROVAL

I do hereby approve the within bond this <sup>4th</sup> ~~30th~~ day of <sup>October</sup> ~~September~~ A. D. 1944

(Court Seal)

Judge of Probate.

## OATH

State of Minnesota,

County of Benton

ss.

I, Anna Witte

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 Fred H. Witte Decedent to the best of my ability. So help me God.

Subscribed and sworn to before me this 29th day of September 1944

*Theodore F. Neils*  
Theodore F. Neils  
Notary Public Benton County, Minn.

My Commission expires September 18, 1947

State of Minnesota,

County of Stearns

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Fred H. Witte

Decedent.

BOND AND OATH OF  
REPRESENTATIVE

Filed this 4th day of October 1944  
and said Bond recorded in Book  
of Bonds, on Page 427 of Probate  
Records.

*Frank Meyer*  
Clerk, Judge of Probate.

1M - 11-87 MADE IN U.S. BY THE PROBATE COURT CO. No. 47

State of Minnesota, } ss.  
County of Stearns.

## IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Fred H. Witte

Ward	Decedent.
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### Petition of Representative for Order to Sell, Mortgage or Lease Land

*Your Petitioner respectfully represents and shows to the Court:*

she

1. That ~~he~~ is the representative of the estate above named.

2. That the bond..... filed by <sup>her</sup>~~him~~ herein as such representative, pursuant to order of this Court is.....

fixed in the penal sum of \$500.00

3. That there remains in <sup>her</sup>~~his~~ hands undisposed of personal property of the estimated value of \$ 500.00.....

4. That the debts and charges against said estate remaining unpaid to the best knowledge and information of your petitioner are approximately as follows, to-wit:

Family allowances - - - - - \$.....

Expenses of Administration - - - - - \$300.00

Funeral expenses - - - - - \$ 440.00

Expenses of last sickness . . . . . \$ 10.00

Taxes - - - - - \$105.00

Claims of creditors allowed by Court - - - - - \$.....

Legacies - - - - - \$\_\_\_\_\_

TOTAL debts and charges remaining unpaid - - - - - \$855.00

5. That your petitioner desires to.....sell.....the real property of said estate,  
described, and of the appraised value, as follows, to-wit:

Value as Fixed  
by Appraisers

(a) The homestead of decedent, being in the County of Stearns

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

One undivided one-half (1/2) interest in and to the North Half (N $\frac{1}{2}$ ) of Lot Two (2), of Block F, of the Town of St. Cloud (Now City of St. Cloud), John L. Wilson's survey, Stearns County, Minnesota.

\$ 3000.00



Value as Fixed  
by Appraisers

(b) Other real estate of decedent being in the County of .....

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

none





## State of Minnesota,

County of Benton

ss.

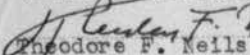
Anna Witte

being duly sworn, on oath says that <sup>she</sup> ~~he~~ is the person who made and signed the foregoing petition; that <sup>she</sup> ~~he~~ has read the same and knows the contents thereof, and that the same is true of <sup>her</sup> ~~his~~ own knowledge, except as to those matters therein stated on information and belief, and as to those matters <sup>she</sup> ~~he~~ believes it to be true.



Subscribed and sworn to before me this

4th day of October 1944

 Theodore F. Neils  
Benton County, Minnesota.

My Commission expires September 18, 1947.

## CONSENT TO SALE OF REAL ESTATE

I ~~we~~, the undersigned, being the widow of the deceased, andthe person ~~who~~ who takes an interest in the real estate

does

described in the foregoing petition, ~~we~~ hereby consent to the sale

of said real estate and request the Court to authorize and direct the representative of said estate to

sell

said real estate as prayed for in said petition.

\*Strike out (a) if it does not apply.

\*\*Note if petition is to mortgage, add "in the amount of \$ \_\_\_\_\_ said amount not to bear interest at a rate to exceed the maximum of \_\_\_\_\_ per cent per annum." If petition is to sell add "at private sale" or "at public auction" as the case may require.

If sale or mortgage of the homestead is petitioned for consent of the spouse must be obtained. If homestead is to be mortgaged for more than encumbrances and statutory items allowed consent of all persons must be obtained.

State of Minnesota,

County of Stearns

## PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Fred H. Witte

Decedent.

Petition for Order to Sell,  
Mortgage or Lease Land


Filed this 4th day of

October 1944



Probate Judge Clerk.

1

13.378

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

**IN PROBATE COURT**File No. 13,378

IN THE MATTER OF THE ESTATE OF

**Fred H. Witte,**  
Decedent.

**Order of License to Sell Land  
at Private Sale.**

The above entitled matter came on to be heard by the Court on the 27th  
day of October, 19 44, upon the petition of Anna Witte  
as representative  
(Representative or Guardian)

in the above entitled matter, praying for license to sell certain lands described in said petition; and the Court having heard the said petition and all the evidence adduced in support thereof, and having duly considered the same and examined the files and records in said matter, finds the following facts:

**FIRST**—That notice of said hearing was served upon all persons interested in said matter by the publication of the citation for hearing on said petition heretofore entered herein in the St. Cloud News, proof of publication of said notice of hearing and service by mail having been filed in this court.

**SECOND**—that the said representative appeared at said hearing in person and by her attorney, Theodore F. Neils, Esq., and was duly examined relative to said matter by the Court and that no one appeared in opposition to said petition.

**THIRD**—That it would be for the best interests and benefit of the said estate that the property hereinafter described, be sold.

**IT IS THEREFORE ORDERED, FIRST**—That the said Anna Witte as representative of said estate be, and hereby is, licensed and directed to sell said real estate herein described, in the order herein described, at private sale, to-wit: The tract of land situate and being in the County of Stearns, State of Minnesota, described as follows, to-wit:

One undivided one-half (1/2) interest in and to the North Half (N $\frac{1}{2}$ ) of Lot numbered Two (2) of Block F, of the Town of St. Cloud (now City of St. Cloud) John L. Wilson's Survey, 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 and State.

SECOND—That before making sale of said real estate, or any part thereof, the said **representative** ~~shall not sell said real estate, or any part thereof, for less than its full appraised value as fixed and determined by the appraisers herein appointed to appraise the same; and shall not, directly or indirectly, purchase or be interested in the purchase of any part of the said real estate so to be sold; and that upon the sale of said real estate, or any part thereof, the said representative shall make report of all the proceedings therein to this court.~~

~~because the said real estate to be reappraised by~~  
**Henry H. Wendlandt** and **H. J. Teuber**  
 competent persons to make said appraisal, who are hereby appointed by this court to make such re-appraisal upon their qualifying according to law.

That the general bond in said matter is sufficient and no additional bond is required.

THIRD—That the said **representative** shall not sell said real estate, or any part thereof, for less than its full appraised value as fixed and determined by the appraisers herein appointed to appraise the same; and shall not, directly or indirectly, purchase or be interested in the purchase of any part of the said real estate so to be sold; and that upon the sale of said real estate, or any part thereof, the said **representative** shall make report of all the proceedings therein to this court.

Dated at **St. Cloud, Minnesota**

this **27th** day of **October**, 19**44**

*[Signature]*  
 Judge of Probate

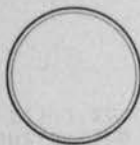
**State of Minnesota,**

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 \_\_\_\_\_ 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. **13,378**

**State of Minnesota,**  
 County of **Stearns**

**PROBATE COURT**

IN THE MATTER OF THE ESTATE OF

**Fred H. Witte**

**Order of License to Sell Land  
 at Private Sale**

Office of Register of Deeds

**State of Minnesota,**

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

Register of Deeds.

By \_\_\_\_\_ Deputy.

Filed this **27th** day of **October**, 19**44**, and recorded in Book **51** of Orders, Page **237**.

*[Signature]*  
 Clerk of Probate.

State of Minnesota,

IN PROBATE COURT

County of Stearns

File No. 13,378

In the Matter of the Estate of

Order Confirming Private Sale  
Made Pursuant to License

Fred H. Witte

Decedent

The above entitled matter came on to be heard on the 1st day of November 1944, upon the report of Anna Witte

as Representative  
(Representative or Guardian)

in the above entitled matter of the sale by her of certain lands pursuant to the order of license of this court to her granted therefor, and her petition for the confirmation of said sale; and the court having considered the said report, and examined her relative to the same, and having examined the files and records in said matter, finds herein the following facts, to-wit:

FIRST—That pursuant to a petition duly made and filed in this court, and the citation of this court duly issued for hearing on said petition, and notice of said hearing duly given as provided by law, and a hearing duly had by this court on said petition, an order of license in said above entitled matter was duly made and filed in this court whereby the said representative of said estate was authorized and directed to sell at private sale the real estate hereinafter described.

SECOND—That ~~in said order of license, the said Anna Witte, administratrix as aforesaid~~ was not required to file any additional bond.

THIRD—That the said Anna Witte, administratrix as aforesaid, before making said sale, did cause the real estate hereinafter and in said order of license described to be re-appraised by the persons appointed for that purpose in said order of license, and their re-appraisal thereof to be filed in this court

FOURTH—That on the 1st day of November, 1944, the said Anna Witte, administratrix as aforesaid, pursuant to said order of license, did sell, at private sale, to Independent School District Number Twenty-eight (28) of the City of St. Cloud, Minnesota, a school district duly organized under the laws of the State of Minnesota for the sum of Three Thousand Seventy-five (\$3075.00) - - - - - DOLLARS, the tract of land, described in said order of license, lying and being in the County of Stearns State of Minnesota, described as follows, to-wit:

One undivided one-half ( $\frac{1}{2}$ ) interest in and to the North Half ( $N\frac{1}{2}$ ) of Lot Two (2) in Block F of the Town of St. Cloud (Now City of St. Cloud) John L. Wilson survey, Stearns County, Minnesota

To be paid for in cash upon delivery of deed.



FIFTH—That the sum for which said land was so sold is not disproportionate to the value thereof, nor less than the value thereof as appraised by said appraisers appointed by this court to appraise the same, and that said sale was honestly and fairly made, and that said Anna Witte

was not a purchaser at said sale, and was not interested, directly or indirectly, in the purchase of said real estate at said sale thereof.

It is Therefore Ordered, That said sale be, and the same hereby is in all things confirmed; and that the said Anna Witte, administratrix as aforesaid be, and she hereby is, authorized and directed to execute and deliver to said purchaser good and sufficient deed of conveyance, upon compliance by it with the terms of said sale.

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

*[Signature]*  
Judge of Probate.

# State of Minnesota,

County of

## PROBATE COURT

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

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



\_\_\_\_\_ of the Probate Court.

File No. 13,378

State of Minnesota,

County of Stearns

## PROBATE COURT

In the Matter of the Estate of

Fred H. Witte

Order Confirming Private Sale.  
Made Pursuant to License.

Office of Register of Deeds.

State of Minnesota,

County of

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

Register of Deeds.

By \_\_\_\_\_ Deputy.

Filed this 1st day of Nov., 1944, and recorded in Book 90 of Orders, Page 397.

*[Signature]*  
Clerk of Probate.

State of Minnesota, }  
County of Stearns }

## IN PROBATE COURT

In the Matter of the Estate of

Fred H. Witte

Decedent—Ward.

Oath of Appraisers and Appraisal  
of Lands Under Order for Sale

## OATH OF APPRAISERS

State of Minnesota, }  
County of Stearns }

I, Henry Wendlandt

and I, H. J. Teuber, do swear that I will faithfully and  
justly perform all the duties of the office and trust which I now assume as appraiser of the lands of the  
above named decedent under and pursuant  
to that certain order for sale of said lands at private sale, made by the above named Court on the  
27th day of October, 1944, and that I will appraise the  
said land described in said order for sale at its true and full value, So Help Me God.

Subscribed and sworn to before me this

1st day of November, 1944

*Theodore F. Neils*  
Theodore F. Neils Notary Public.

*Henry H. Wendlandt*  
*H. J. Teuber*

Benton County, Minn.

My Commission Expires Sept. 18, 1947

## APPRAISAL

We, the undersigned appraisers appointed by the above named Court in and by its certain order for  
sale to to sell certain lands  
belonging to the above named decedent, dated  
the 27th day of October, 1944, do hereby certify and report:

That we did first and before making said appraisal take and subscribe the foregoing oath as by law  
required and thereafter did appraise at their true and full value in cash those certain tracts or parcels of  
land lying and being in the County of Stearns, State of Minnesota, described  
in said order for sale, as follows, to-wit:

One undivided one-half ( $\frac{1}{2}$ ) interest in and to the North Half ( $N\frac{1}{2}$ ) of  
Lot Two (2) in Block F of the Town of St. Cloud (Now City of St. Cloud)  
John L. Wilson survey, Stearns County, Minnesota. \$3075.00

County of Stearns

## PROBATE COURT

### In the Matter of the Estate of

Fred H. Witte

*Decedent—Warr.*

**Oath of Appraisers and Appraisal of Lands Under Order for Sale**

and did set after and opposite each description of said lands its true and full value as by us determined and appraised.

Dated November 1st, 1944

*Respectfully submitted,*

Henry H Wenland  
107 Tenney

*Appraisers.*

Filed this 1st day of November, 1944

Frank Henry  
Probate Judge of Clark Co.

## State of Minnesota,

County of Stearns

## IN PROBATE COURT,

In the Matter of the Estate of

Fred H. Witte

Decedent—~~Hard~~REPORT OF SALE OF LAND AT PRIVATE  
SALE UNDER ORDER FOR SALE.

Your petitioner respectfully reports to the court his proceedings under that certain order for sale granted to him in the above entitled matter on the 27th day of October, 1944, to sell at private sale the lands of said Fred H. Witte hereinafter described, as follows, to-wit:

First—That before making sale of the real estate hereinafter described under said order for sale, he executed and filed in this court his bond required by the said order for sale.

Second—That before making sale of said real estate under said order for sale, he caused the same to be re-appraised by Henry Wendlandt and H. J. Teuber the appraisers appointed in said order for sale to appraise the same, and the appraisal thereof to be filed in this court (1)

Third—That on the 1st day of November, 1944, he, pursuant to said order for sale, sold to the City of St. Cloud, Minnesota, a school district duly organized under the laws of the State of Minnesota of St. Cloud, Minnesota the tract or parcel of land, described in said order for sale, and lying and being in the County of Stearns, State of Minnesota, described as follows, to-wit:

One undivided one-half ( $\frac{1}{2}$ ) interest in and to the North Half ( $N\frac{1}{2}$ ) of Lot Two (2) in Block F of the Town of St. Cloud (Now City of St. Cloud) John L. Wilson survey, Stearns County, Minnesota.

for the sum of Three Thousand Seventy-five (\$3075.00) - - - - - Dollars,



to be paid as follows, to-wit: Cash upon delivery of deed.

Fourth—That your petitioner was in no way, directly or indirectly, interested in the purchase of said real estate, or any part thereof; and that the said sale thereof was fairly and honestly made, and that said sum for which the same was sold is not disproportionate to the value thereof, and is not less than the value thereof as re-appraised by said appraisers appointed for that purpose in said order of sale.

WHEREFORE YOUR PETITIONER PRAYS, that the said sale of said real estate hereinbefore described be confirmed by this court; and that your petitioner be authorized and empowered to execute and deliver to the said purchaser thereof a good and sufficient Deed of conveyance thereof to said purchaser upon a compliance by it of the terms of said sale.

Dated November 1st, 1944

Anna Witte

Representative and Petitioner.

**State of Minnesota,**

County of Stearns

ss.

Anna Witte

being duly sworn, on oath says: that he is the person who made and signed the foregoing report and petition; that he has read the said report and petition and knows the contents thereof; that the said report and petition 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

1st day of November, 1944

Theodore F. Neils

Notary Public.

Hendon County, Minn.

My commission expires September 18th, 1947

NOTE (1) If further notice of sale is required, here insert compliance therewith.

13.378  
State of Minnesota,

County of Stearns

PROBATE COURT

In the Matter of the Estate of

Fred H. Witte

Decedent—Ward:

Report of Sale of Land at Private  
Sale Under Order for Sale

Filed this 1st day of

November, A. D. 19 44

Frank Kergog

Probate Judge—Clerk.

STATE OF MINNESOTA

County of Stearns

## IN PROBATE COURT

In the Matter of the Estate of

Fred H. Witte

Decedent

INHERITANCE TAX RETURN

Date of death August 27th, 1944.

## GENERAL INSTRUCTIONS

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

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

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

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

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

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

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

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

## ALL QUESTIONS ON THIS PAGE MUST BE ANSWERED

## INSTRUCTIONS FOR SCHEDULE I

Property held in Joint Tenancy

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

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

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

## INSTRUCTIONS FOR SCHEDULE II

Insurance and Annuities

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

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

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

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

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

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

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

## INSTRUCTIONS FOR SCHEDULE III

Transfers by the Decedent

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

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

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

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

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

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

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

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

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

.....

.....

.....

.....

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

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

## INSTRUCTIONS FOR SCHEDULE IV

Powers of Appointment

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

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

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

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

2. Did decedent exercise power of appointment?

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

# AFFIDAVIT

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

(Signature) Anna Britte

(Address) 208 5th Avenue South  
St. Cloud, Minnesota

Subscribed and sworn to before me this

27th day of

October, 1944.

Theodore F. Neils

Notary Public, Benton County, Minn.

My commission expires September 18, 1947.



File No. 13,378

STATE OF MINNESOTA

County of Stearns

Re: Estate of

Fred H. Witte  
Decedent.

INHERITANCE TAX RETURN

Filed

Nov. 8th 1944

Frank H. Hertzog

Clerk of Probate Court.

Name

Address

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.

0053 1698

State of Minnesota,  
County of Stearns } ss.

IN PROBATE COURT  
File No. 13,378

IN THE MATTER OF THE ESTATE OF Fred H. Witte DECEASED

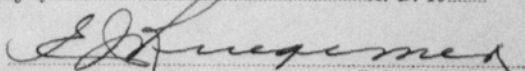
Whereas, It has been made to appear to the satisfaction of this Court that

Anna Witte

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 23rd day of February A. D. 19 45

  
Judge of Probate.

Stearns

County, Minn.

No. 13,378

## In Probate Court

County of Stearns

IN THE MATTER OF THE ESTATE OF

Fred H. Witte

Deceased.

### Order Discharging Executor or Administrator and Sureties

(Chap. 289 Laws 1917)

Filed this 23rd day of

February 19 45

Recorded in book 75 of orders at

page 529

Frank Kenyon  
Clerk of Probate.

05913500

State of Minnesota,

County of Stearns

IN PROBATE COURT.

In the Matter of the Estate of

Fred H. Witte,

Decedent.

ORDER ALLOWING FINAL ACCOUNT.

The above entitled matter came on to be heard on the 23rd day of February, 1945, upon the petition of the representative of the above named estate praying for the allowance of his final account and for distribution of the residue of said estate.

The said representative appeared in person and by her attorney, Theodore F. Neils, Esq., and no one appeared in opposition.

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

First—That due notice of the said hearing of said petition has been given as required by law by the publication of the citation of this Court, for said hearing, dated the 29th day of January, 1945, in the St. Cloud Daily Times, 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	\$ 1235.20
Personal estate omitted from the inventory	\$
Gain by sales above appraised value	\$
Cash from sales of real estate	\$ 3000.00
Cash from rent of real estate	\$
Cash from interest and profits	\$
Cash from other sources	\$ 161.39
	\$
	\$
Total receipts from all sources	\$ 4396.59

## DISBURSEMENTS AND CREDITS

Estate selected for surviving spouse	\$
Maintenance of family of decedent	\$
Expenses of administration	\$ 223.04
Expenses of last sickness	\$
Funeral expenses	\$ 440.00
Taxes	\$ 38.17
Claims of creditors of decedent	\$ 160.50
Legacies	\$
	\$
	\$
Residue on hand for distribution	\$ 3534.88
Total credits	\$ 4396.59



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 February 23rd, 1945.

By the Court,

*J. H. Hughes*  
Probate Judge.

No. 13,378

State of Minnesota,

County of Stearns

PROBATE COURT.

In the Matter of the Estate of

Fred H. Witte

Decedent

Order Allowing Final Account.

Filed this 23rd day of

February, 1945, and

recorded in Book No. 28 of Orders,

on Page 341

*Frank R. Berg*  
Clerk of Probate.

No. 3563

State of Minnesota,

## IN PROBATE COURT

County of Stearns

File No. 13,378

In the Matter of the Estate of

Fred H. Witte

## Final Decree of Distribution

Decedent.

The above entitled matter came on to be heard on the 23rd day of February, 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, Theodore F. Neils, Esq., and no one appeared in opposition thereto.

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

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

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

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

THIRD—That said decedent died in testate on the 27th day of August, 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 \$ 3534.88 comprising the following items:

Household Goods	\$ 50.00
Cash	3484.88
	<hr/> \$3534.88

(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 ~~namely~~ is the sole heir at law

of said decedent, and ~~as~~

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

Anna Witte, widow of said decedent.

Now, Therefore, On motion of Theodore F. Neils, Esq.,  
attorney for the

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

All thereof to the said Anna Witte, 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, \_\_\_\_\_ her \_\_\_\_\_ 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 23rd day of February, 1945



*[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, 378

State of Minnesota,

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

Fred H. Witte

Deceased.

Final Decree of Distribution

Office of Register of Deeds,  
State of Minnesota.

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

Register of Deeds.  
Deputy.  
By \_\_\_\_\_

Transfer entered this \_\_\_\_\_, 19 \_\_\_\_\_ day of \_\_\_\_\_.

County Auditor.  
Deputy.  
By \_\_\_\_\_

Filed this 23rd day of Feb., 1945, and recorded in Book 87 of Deeds, page 342.

*[Signature]*  
Clerk of Probate Court.  
No. 3881

State of Minnesota,

County of Stearns

} ss.

## IN PROBATE COURT

In the Matter of the Estate of

Maria A. Joa

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 Richmond in the County of Stearns State of Minnesota, and is an adult and is interested in the estate of decedent in this, to-wit:

SECOND—That said decedent was born in the Country of Ohio U.S.A., and died at Richmond County of Stearns, State of Minnesota, on the 21st day of August, 19 44, aged 86 years and at the time of his death was a native of Richmond Minnesota and a citizen of the Country of U.S.A. and a resident of Richmond in the County of Stearns and State of Minnesota and left estate in the County of Stearns State of Minnesota.

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

FOURTH—That the estate of decedent at the time of his death consisted of personal property of the estimated value of \$ 11,975.00 divided as follows:

1. Household goods,	\$ 100.00	2. Wearing apparel,	\$ 5.00
3. Stock,	\$ None	4. Notes, bonds, etc.,	\$ 11,975.00
5. Miscellaneous,	\$ None		

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 None 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 \$ None

City Property Lots with Buildings \$ None

B. Rural Property Acres improved land \$ None

Rural Property Acres unimproved land \$ None

FIFTH—That the probable amount of debts of decedent is \$ None, consisting of

0054 1657

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:

NAME	AGE	RELATIONSHIP	POST OFFICE ADDRESS
Maria C. Joa Brixius	69	Stepdaughter	Freeport, Minnesota.
Adam M. Joa	67	Stepson	Lockwood, Sask. Canada.
Margaret Joa Swidellus	64	Stepdaughter	St. Cloud, Minnesota.
George P. Joa	61	Son	Richmond, Minnesota.
Michael Joa	58	Son	Calihier, Minnesota.
Agnes Joa Schraut	57	Daughter	Pirz, Minnesota.
Theresa Joa Hellmann	55	Daughter	St. Cloud, Minnesota
Christian Joa	53	Son	Richmond, Minnesota.
Catherina Joa Berlinger	52	Daughter	Big Sandy, Montana
John W. Joa	47	Son	Muenster, Sask. Canada.
Anna Joa Wunderloh	52	Daughter	Cymric, Sask. Canada.
Andrew Joa	42	Son	Altrincham, Cheshire, Eng.
Leander Joa		Grandchild	Muenster, Sask, Canada and.
Isabella Joa		Grandchild	Muenster, Sask, Canada
Clarence Joa		Grandchild	Muenster, Sask, Canada
Leonard Joa		Grandchild	Muenster, Sask, Canada.
Merylin Joa		Grandchild	Muenster, Sask, Canada.
Alice Joa		Grandchild	Muenster, Sask, Canada.
Alvin Joa		Grandchild	Muenster, Sask, Canada.

SEVENTH—That George P. Joa whose Post Office address is Richmond, 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 George P. Joa be appointed executor thereof; and that, upon due qualification as provided by law, letters testamentary be issued to the said George P. Joa

Dated September 2, 1944 *George P. Joa* Petitioner.

### State of Minnesota,

County of Stearns } ss. George P. Joa  
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.

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

Notary Public Stearns County, Minnesota.  
My Commission expires April 7th, 1946, 19

State of Minnesota,

County of Stearns

### IN PROBATE COURT

### Petition for Allowance and Probate of Will

In the Matter of the Estate of

*Maria C. Joa*  
Decedent.

### Selection of Newspaper

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

(Here insert name of newspaper)

(Sign your name here)

Filed this 2nd day of September, 1944

*Frank H. Hoyer*  
Probate Clerk.

No. 3880\*

STATE OF MINNESOTA, County of Stearns ss.

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

In Re Estate of Maria A. Joa, Decedent.

George P. Joa having filed a petition for the probate of the Will of said decedent and for appointment of George P. Joa 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 29th 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 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 January 5th, 1945, at nine o'clock A. M., before this Court in the probate court room in the court house in the City of St. Cloud, Minnesota, and that notice hereof be given by publication of this order in the Richmond Reporter, and by mailed notice as provided by law.

Dated September 2nd, 1944.

E. J. Ruegemer,  
Probate Judge

(Probate Court Seal-  
Edward F. Jacobsen, Esq.,  
Attorney for Petitioner,  
Eden Valley, Minnesota.

PRINTER'S AFFIDAVIT OF PUBLICATION

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

STATE OF MINNESOTA,  
County of Stearns.

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

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

hereinafter described, said newspaper was printed and published in the Village of Richmond, in the County of Stearns, State of Minnesota, on Thursday of each week; that during all said time said newspaper has been printed in the English language from its known office of publication within the village from which it purports to be issued as above stated in column and sheet form equivalent in space to at least 450 running inches of single column, two inches wide; has been issued once each week from a known office established in said place of publication and equipped with skilled workmen and the 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 Order for Hearing on Probate of Will, Limiting Time to File Claims

hereto attached was cut from the columns of said newspaper, and was printed and published therein in the English language, once each week for three successive weeks; that

it was first so published on Thursday, the 7 day of September, 1944, and thereafter on Thursday of each week to and including the 21 day of

September, 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

Anton Brisse

Subscribed and sworn to before me this 23 day of

Sept

1944

Notary Public, Stearns County, Minn.

My commission expires Jan. 1946, 1944.

0054 1659



13.379

Decedent

In the Matter of the Estate of

PROBATE COURT

STATE OF MINNESOTA  
County of Stearns

STATE OF MINNESOTA  
County of Stearns

PROBATE COURT  
In the Matter of the Estate of

Maria A. Joa  
Decedent

FILED THIS 25<sup>th</sup> DAY  
OF Sept. A.D. 1944

Frank Herzog  
Clerk of Probate

0991 4500

State of Minnesota, } ss.  
County of Stearns }  
IN THE MATTER OF THE ESTATE OF  
Maria A. Joa

Decedent

On Hearing for Administration or Probate of  
Will mail two copies of order to the Commis-  
sioner of Taxation

and

If decedent was not born in the United States,  
mail one copy to Foreign Consul or Secretary  
of State.

ATTACH COPY OF ORDER HERE

STATE OF MINNESOTA, County  
of Stearns ss.

IN PROBATE COURT  
ORDER FOR HEARING ON PETI-  
TION FOR PROBATE OF WILL, LIM-  
ITING TIME TO FILE CLAIMS AND  
FOR HEARING THEREON

In Re Estate of Maria A. Joa, De-  
cedent.

George P. Joa having filed a peti-  
tion for the probate of the Will of  
said decedent and for appointment  
of George P. Joa as executor, which  
Will is on file in this Court and open  
to inspection;

IT IS ORDERED, That the hear-  
ing thereof be had on Friday, the  
29th 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, Min-  
nesota, and that objections 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 January 5th, 1945, at nine  
o'clock A. M., before this Court in  
the probate court room in the court  
house in the City of St. Cloud, Min-  
nesota, and that notice hereof be  
given by publication of this order in  
the Richmond Reporter, and by mail-  
ed notice as provided by law.  
Dated September 2nd, 1944.

E. J. Ruegemer,  
Probate Judge

(Probate Court Seal)  
Edward F. Jacobsen, Esq.,  
Attorney for Petitioner,  
Eden Valley, Minnesota.

File No. ....

## IN PROBATE COURT

Affidavit of Mailing of Order for Hearing

State of Minnesota, } ss.  
County of Stearns }  
Edw. F. Jacobsen

being first duly sworn on oath deposes and says that  
on the 28th day of September, 1944,  
at Eden Valley, in said County and  
State he mailed two copies of the Order hereto at-  
tached in the above entitled matter, to

Comm. of Taxation and one to  
(Commissioner of Taxation)

(Secretary of State or Foreign Consul)

and to all 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 Eden Valley, Minn.

and addressed to the following named  
persons:

OR POST OFFICE	CITY	STATE
ort, Minn.		
1, Sask. Can.		
ud, Minn.		
d, Minn.		
, Minn.		
inn.		
1, Minn.		
, Minn.		
, Mont.		
Sask. Can.		
sk. Can.		
am, Cheshire, England.		
All of Muenster, Sask. Canada.		

ch

19 44.

Notary Public, County, Minn.

My commission expires

Notary Public, Mankato County, Minn.  
My Commission Expires June 10th, 1948.

0054 1661

File No. 13,379

State of Minnesota,

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of  
Maria A. Joa

Decedent

AFFIDAVIT OF MAILING

Will and Claims

Filed September 29th, 1944

Frank H. Hoyer

Probate Clerk

State of Minnesota, }  
County of Stearns } ss.

## IN PROBATE COURT

In the Matter of the Estate of Maria A. Joa Deceased.

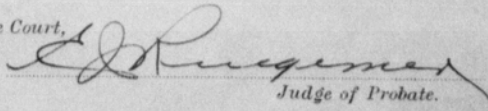
THE LAST WILL AND TESTAMENT of said deceased having been this day admitted to probate by this Court, and George P. Joa named as execut or of said Will, having applied for Letters Testamentary thereon:

IT IS ORDERED, That the said George P. Joa give bonds to the Judge of this Court in the sum of Eight Thousand and no/100 (\$8000.00) 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 29th day of September A. D. 1944.

By the Court,

  
Judge of Probate.

Attorney for Petitioner.

0054 1663



No. 13,379

## IN PROBATE COURT

County of Stearns

In the Matter of the Estate of

Maria A. Joa

*Deceased.*

## ORDER FOR EXECUTOR'S BOND

Filed this 29th day of  
September A. D. 1944, and  
recorded in Book \_\_\_\_\_ of Orders, on  
page \_\_\_\_\_

*Frank Herzog*

Clerk—~~Judge~~ of Probate.

State of Minnesota,  
County of Stearns } ss.

IN PROBATE COURT.

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

Maria A. Joa

Proof of Will

Decedent.

State of Minnesota,  
County of Stearns } ss.

Joseph J. Doll

, being

duly sworn on behalf of the proponent of the Will, doth depose and say: that he is one of the subscribing witnesses to the instrument now shown herewith, bearing date the 26th day of February A. D. 1941, and purporting to be the Last Will and Testament of

Maria A. Joa

of the County

of Stearns and State of Minnesota now here presented for probate; that Joseph J. Doll knew

and was well acquainted with the said Decedent, in her lifetime and at the time of her death, that on the day and date of said instrument, to-wit, the 26th day of February

A. D. 1944, the said instrument was signed, sealed, executed and then and there acknowledged, published and declared by the said decedent, to be her Last Will and Testament in the presence of deponent and of

Joseph Seifert

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

Joseph Seifert

the other subscribing witness did then and there, in the presence of the said decedent, and at her request, severally subscribe said instrument as witness ~~es~~ 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  
29th day of September A. D. 1944

*E. J. Kueper*  
Judge of Probate.

*Joseph J. Doll*

No. 13,379

State of Minnesota, } ss.  
County of Stearns }

## IN PROBATE COURT

IN THE MATTER OF THE LAST WILL AND  
TESTAMENT OF

Maria A. Joa

*Decedent.*

### TESTIMONY OF

Joseph J. Doll

*Subscribing Witness to Will.*

Taken, sworn, subscribed and filed this

29th day of

September 19 44

*Frank Henry*  
Clerk ~~under~~ of Probate.

No. 3545\*

9991 4500

# Last Will and Testament of

MARIA ANNA JOA

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

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

SECOND, After the payment of such funeral expenses and debts, I hereby Give, Devise and Bequeath the sum of Two Hundred (\$200.00) Dollars unto my Executor for the purpose of having Holy Masses read for the repose of my soul and for the repose of the soul of Andreas Jea, my deceased husband, which Holy Masses are to be read as soon as conveniently possible after the date of my death. It is my intention to let my Executor select the various Catholic Priests to whom said sum of money shall be paid to have these Holy Masses read.

THIRD, I hereby Give, Devise and Bequeath all of my Household Furniture and Personal Wearing Apparel unto my son, George P. Jea, and I hereby designate that this shall represent the residue of his full inheritance because during my lifetime I gave certain other adequate advancements to him.

FOURTH, I hereby Give, Devise and Bequeath all of the residue of my Estate, both Real and Personal, whatsoever the same may be in twelve equal shares, share and share alike, to-wit:

1. An undivided One-twelfth interest unto my step-daughter, Mary Jea Erixius, and she is not to be charged with any advancements whatsoever.
2. An undivided One-twelfth interest unto my step-daughter, Margaretha Jea Swedelius, and she is not to be charged with any advancements whatsoever.
3. An undivided One-twelfth interest unto my step-son, Adam M. Jea, but his share shall be charged with an advancement of Two Hundred (\$200.00) Dollars.
4. An undivided One-twelfth interest unto my son, Mike Jea, but his share shall be charged with an advancement of Four Hundred Twenty Five (\$425.00) Dollars.
5. An undivided One-twelfth interest unto my son, Christian Jea, but his share shall be charged with an advancement of Two Thousand (\$2000.00) Dollars.
6. And undivided One-twelfth interest unto my son, John W. Jea, but his share shall be charged with an advancement of Two Thousand Three Hundred Ninety (\$2,390.00) Dollars.

Maria Anna Jea  
MARIA ANNA JOA.



7. An undivided One-twelfth interest unto my son, Andrew C. Joa, but his share shall be charged with an advancement of Six Hundred (\$600.00) Dollars.

8. An undivided One-twelfth interest unto my daughter, Katherina Joa Berlinger, but her share shall be charged with an advancement of Four Thousand Seven Hundred Ninety Five (\$4,795.00) Dollars.

9. An undivided One-twelfth interest unto my daughter, Anna Joa Vonderloh, but her share shall be charged with an advancement of Four Hundred (\$400.00) Dollars.

10. An undivided One-twelfth interest unto my daughter, Agnes Joa Schraut, but her share shall be charged with an advancement of Two Thousand Five Hundred (\$2,500.00) Dollars.

11. An undivided One-twelfth interest unto my daughter, Theresia Joa Hellmann, but her share shall be charged with an advancement of One Thousand Twenty Five (\$1,025.00) Dollars.

12. An undivided One-twelfth interest unto the seven children of my deceased son, Peter P. Joa, but this share shall be charged with an advancement of One Thousand Four Hundred (\$1,400.00) Dollars, and hence each of the following named grandchildren shall receive an undivided One Eighty-Fourth ( $1/84$ th) share; namely, Leander Joa, Isabella Joa, Clarence Joa, Leonard Joa, Merylin Joa, Alice Joa and Alvin Joa.

I hereby instruct my Executor to make an equal distribution of my entire Estate as designated herein, and those parties who have received more than their legal undivided One-twelfth share of my Estate are hereby requested to repay a sufficient sum of money to make an equal distribution of my Estate among the parties designated in the residuary clause of this my Last Will and Testament.

LASTLY, I make, constitute and appoint my son, George P. Joa, to be Executor of this my Last Will and Testament, hereby revoking all former wills be me made.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal the 26th day of February in the year of our Lord one thousand nine hundred and forty one.

Maria Anna Joa  
MARIA ANNA JOA.

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

Joseph J. Dall residing at Richmond, Minnesota.

Joseph Seifert residing at Richmond, Minnesota.

LAST WILL AND TESTAMENT  
of  
MARIA ANNA JOA

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

89914500

State of Minnesota,

County of Stearns

IN PROBATE COURT  
CERTIFICATE OF PROBATE

In the Matter of the Estate of Maria A. Joa 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

Maria A. Joa Decedent, late of said County of Stearns

bearing date the 26th day of February 19 41, 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 Maria A. Joa

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 29th day of September 19 44

*A. J. Ruessner*  
Judge of Probate.



State of Minnesota, }  
County of Stearns }

## PROBATE COURT

IN THE MATTER OF THE ESTATE OF  
Maria A. Joa  
Decedent.

## Certificate of Probate of Will

Filed this 29th day of  
September 19 44, and recorded,

together with the will attached in Book

7 of Records of Wills, Page 569

Frank E. Koenig  
Clerk of Probate.



State of Minnesota,

Stearns

County of

## IN PROBATE COURT

In the Matter of the Estate of

Maria A. Joa

Decedent

## Order Admitting Will to Probate

The above entitled matter came on to be heard on the 29th day of September 19 44

upon the petition of George P. Joa

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 2nd day of September 19 44 has been duly served and published as directed therein and required by law.

SECOND—That said decedent died on the 21st day of August 19 44, and at the time of his death was a resident of Richmond in the County of Stearns and State of Minnesota and left estate in the County of Stearns State of Minnesota.

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

Joseph J. Doll

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

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

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

Dated September 29th, 19 44.

*J. J. Luegman*  
Judge of Probate.

State of Minnesota, }  
County of Stearns }  
PROBATE COURT

IN THE MATTER OF THE ESTATE OF  
Maria A. Joa  
Decedent.

Order Admitting Will to Probate

Filed this 29th day of  
September 19 44, and recorded  
in Book " 80 " of Orders, Page 600  
Frank Kenyon  
Clerk of Probate.

State of Minnesota,

County of Stearns

ss.

## IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Maria A. Joa, also known  
as Maria Anna Joa,

Decedent.

## LETTERS TESTAMENTARY

To George P. Joa

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, in within one month 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 expenses 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 10th day of

October, 19 44

*J. D. Hughes*  
Probate Judge.



State of Minnesota.

County of .....

## IN PROBATE COURT

I, ....., Judge of the Probate Court, in and for said County, and State afore-  
said, 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 ..... this  
..... day of ....., A. D. 19.....

Probate Judge.

13, 379

State of Minnesota,

County of Stearns

## PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Maria A. Joa

LETTERS TESTAMENTARY  
(LONG FORM)

Filed this 10th day of  
October, 1944, and Recorded  
in Book "K" of Letters, Page 201

*Mark H. Rogers*  
Clerk of Probate Court.

No. 3640\*



STATE OF MINNESOTA } ss.  
County of Stearns

## IN PROBATE COURT

In the Matter of the Estate of

Maria Anna Joa

deceased

BOND #219717-

Know All Men by These Presents, That we

George P. Joa

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 **Honorable E. J. Ruegamer**, as Judge of Probate of the County of Stearns

Minnesota, in the sum of Eight 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

George P. Joa, who has been appointed representative of the estate of the above named, Maria Anna Joa, 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 STAN VANDER FLOEG, Vice President

and its corporate seal to be hereto attached by authority of its Board of Directors, this 2nd day of October, 1944.

George P. Joa (Seal)

Witness to Surety;

P. D. Dack  
C. Peters

WESTERN SURETY COMPANY

By Stan Vander Floeg, Vice President

Countersigned: Resident Minnesota Agent

## ACKNOWLEDGMENT OF PRINCIPAL

STATE OF MINNESOTA } ss.  
County of Stearns

On this 4th day of October, 1944, before me personally appeared George P. Joa, to me well known to be the person who executed the foregoing bond as principal, and acknowledged that he executed the same for the uses and purposes herein expressed as his free act and deed.

Notary Public, Dack County, Minnesota.

My Commission Expires 19.

## ACKNOWLEDGMENT OF SURETY

STATE OF SOUTH DAKOTA } ss.  
County of Minnehaha

On this 2nd day of October, 1944, before me appeared STAN VANDER FLOEG, Vice President

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, Minnehaha County South Dakota

My Commission Expires December 19, 1944, 1944.

APPROVAL

I hereby approve the within Bond and the surety thereon, this 10<sup>th</sup> day of

October, 1944

J. J. Ruessner  
Probate Judge

OATH OF REPRESENTATIVE

STATE OF MINNESOTA

County of Stearns } ss.

I, George P. Jord

do swear that I will faithfully and justly perform all the duties of the office and trust which I now assume as Executor of the Estate

of the above named Maria Anna Jord

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

George P. Jord

Subscribed and sworn to before me this 10<sup>th</sup>

day of October, 1944.

J. J. Ruessner  
Notary Public, Stearns County, Minn.  
My Commission Expires August 7th, 1946

My Commission Expires 19

To the Resident Agent:  
Be sure to countersign  
this Bond before it is filed  
WESTERN SURETY COMPANY  
ONE OF AMERICA'S OLDEST BONDING COMPANIES  
Form No. 815-10M-2-20-44

STATE OF MINNESOTA

County of STEARNS

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

MARIA ANNA JORD

Bond and Oath of  
Representative  
(SURETY COMPANY FORM)

Filed the 10<sup>th</sup> day of

October, 1944, and said

bond recorded in Book 7 of

Bonds

Bonds, page 128 of Probate

Records.

Frank H. Hoyer

Clerk - Judge of Probate.

BROWN & SARGENT, PRINTERS, SIOUX FALLS, S. D.

13,379

State of Minnesota, }  
County of Stearns } ss.

## IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF  
Maria A. Joa, also known as  
Maria Anna Joa,

Decedent.

## Order Appointing Appraisers

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

It is ordered that Joseph J. Doll and

Henry Flint

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

Dated this 4th day of October, 1944.

(PROBATE COURT SEAL)

*L. H. Hughes*  
Probate Judge.

No. 13,379

IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

Maria A. Joa

*Decedent*

Order Appointing Appraisers

Filed October 10th, 1944

*Frank H. Herzog*

Probate ~~clerk~~ Clerk.

0054 1679



**State of Minnesota,**  
County of Stearns

# IN PROBATE COURT

File No. ....

In the Matter of the Estate of

## INVENTORY AND APPRAISAL

Maria A. Jos

Decedent

Date of Death 8-21-44, 19...

### OATH OF APPRAISERS

**State of Minnesota,**  
County of Stearns

I, Joseph J. Doll, and

Henry Flint

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

Subscribed and sworn to before me this

4th day of October, 19 44

E. F. Jacobsen  
Notary Public, Waskia County, Minn.

My commission expires Jan. 29, 19 50

(SEAL)

### INVENTORY AND APPRAISAL

The undersigned representative... of the estate of the above named decedent, represent... and shew... 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 he has 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:  
(give acreage)

None.

Specify Encumbrances  
and Respective Amounts

Net Value Over  
Encumbrances

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

None.

\$.....

FORWARDED

0054 1680



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

[illegible]

CLASS VI—All other Personal Property:

(Here list Cash, Bank Accounts, Annuities, Farm Crops, Machinery, etc.)	Specify Encumbrances and Respective Amounts	Net Value Over Encumbrances
Certificates of Deposit:	\$	\$
State Bank of Richmond:		
#22847, dated 2-11-43, due 2-11-44-1 $\frac{1}{2}$ %		1400.00
#23275, dated 6-23-44, due 6-23-45, 1 $\frac{1}{2}$ %.		50.00
#23260, dated 8-12-44, due 8-12-45, 1 $\frac{1}{2}$ %.		150.00
#23182, dated 4-22-44, due 4-22-45, 1 $\frac{1}{2}$ %.		300.00
#23159, dated 4-10-44, due 4-10-45, 1 $\frac{1}{2}$ %.		500.00
#23133, dated 3-14-44, due 3-14-45, 1 $\frac{1}{2}$ %.		50.00
#23081, dated 2-1-44, due 2-1-45, 1 $\frac{1}{2}$ %.		1125.00
#23046, dated 1-21-44, due 1-21-45, 1 $\frac{1}{2}$ %.		150.00
#23033, dated 1-15-44, due 1-15-45, 1 $\frac{1}{2}$ %.		2300.00
#22975, dated 12-18-43, due 12-18-44, 1 $\frac{1}{2}$ %.		200.00
The First State Bank of Roscoe:		
#16555, dated 6-3-44, due 6-3-45, 1 $\frac{1}{2}$ %.		500.00
#16551, dated 5-26-44, due 5-26-45, 1 $\frac{1}{2}$ %.		350.00
#16451, dated 6-21-44, due 6-21-45, 1 $\frac{1}{2}$ %.		200.00
#16351, dated 10-6-43, due 10-6-44, 2%.		800.00
First Nat'l Bank of Cold Spring:		
#23399, dated 8-1-44, due 8-1-45, 2%.		650.00
#23334, dated 6-7-44, due 6-7-45, 2%.		200.00
#23260, dated 4-18-44, due 4-18-45, 2%.		100.00
#23095, dated 11-23-43, due 11-23-44, 2%.		200.00
#23064, dated 11-24-43, due 11-24-44, 2%.		100.00
State Bank of Cold Spring:		
#11101, dated 6-7-44, due 6-7-45		200.00
#11092, dated 5-25-44, due 5-25-45, 2%.		100.00
#11043, dated 3-24-44, due 3-24-45, 2%.		100.00
#11040, dated 3-19-44, due 3-19-45, 2%.		700.00
#11009, dated 1-8-44, due 1-8-45, 2%.		600.00
Total Value of All Other Personal Property		\$ 11,575.00

## SUMMARY

The total value of all the real estate of decedent, as valued by the appraisers herein, is - \$None.....  
The total value of all the personal property of decedent, as valued by the appraisers herein, is \$11,675.00  
The total value of the entire estate of decedent, as valued by the appraisers herein, is - \$11,675.00

*Respectfully submitted,*

George P. Goddard.

Representative \_\_\_\_\_

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

VERIFICATION

State of Minnesota, }  
 County of Stearns } ss.  
 George P. Joa  
 being duly sworn, on oath say... that he is... the representative... of the estate above specified; that  
 he ha... s... read the foregoing inventory subscribed by himself... and know... s the contents  
 thereof and that the same is a true and correct inventory of all of the estate of the decedent that has come  
 to... his... possession or knowledge.

Subscribed and sworn to before me this  
 4th day of October, A. D. 1944.  
 E. F. Jacobsen  
 Notary Public, Meeker County, Minn.  
 My commission expires Jan. 29, 1950;  
 (SEAL.)

George P. Joa  
 Representative...

CERTIFICATE OF APPRAISERS

State of Minnesota, }  
 County of Stearns }  
 the Probate Court of Stearns County, Minnesota, to appraise the estate of  
 Maria A. Joa  
 Decedent, having first duly taken and subscribed  
 the oath prescribed by law and hereto annexed, hereby certify and return, that we have carefully exam-  
 ined 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 4th day of October, A. D. 1944.

Joseph J. Dace  
 Harry L. Smith  
 Appraisers

File No. 13379  
 State of Minnesota,  
 County of Stearns  
 PROBATE COURT  
 In the Matter of the Estate of  
 Maria A. Joa  
 Decedent  
 Inventory and Appraisal  
 Total Personal - \$11,675.00  
 Total Real Estate - \$ -  
 Total Appraisal - \$11,675.00  
 Due service of the within inventory  
 and appraisal is hereby admitted this  
 day of  
 19  
 Deputy-Treasurer of  
 County, Minnesota  
 Filed this 10th day of  
 October, A. D. 1944  
 Frank Heyman  
 Probate Clerk  
 Attorney



State of Minnesota,  
County of Stearns

IN PROBATE COURT

INHERITANCE TAX RETURN

In the Matter of the Estate of

Maria A. Joa, Decedent. Date of Death 8-21-44

GENERAL INSTRUCTIONS

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

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

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

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

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

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

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

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

## ALL QUESTIONS ON THIS PAGE MUST BE ANSWERED

## INSTRUCTIONS FOR SCHEDULE I

## Property Held in Joint Tenancy

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

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

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

## INSTRUCTIONS FOR SCHEDULE II

## Insurance and Annuities

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

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

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

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

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

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

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

## INSTRUCTIONS FOR SCHEDULE III

## Transfers by the Decedent

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

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

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

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

2. Did the decedent, within two years immediately prior to his death, make any transfer of a material portion of his property, without adequate and full consideration in money or money's 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 money's worth, which the representative believes is not subject to an inheritance tax?

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

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

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

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

## INSTRUCTIONS FOR SCHEDULE IV

## Powers of Appointment

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

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

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

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

2. Did decedent exercise power of appointment?

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

# AFFIDAVIT

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

(Signature).....

*George P. Jaa.*

(Address).....

*Richmond, Minn.*

Subscribed and sworn to before me this.....4th.....

day of.....October....., 19..44..

*E. F. Jacobsen*  
E. F. Jacobsen, Notary Public, Meeker  
County, Minn. My Comm. Expires, Jan. 29, 1950.

File No. 13,379

State of Minnesota,  
County of Stearns

Re: Estate of

Maria A. Joa

Decedent.

INHERITANCE TAX RETURN

Filed October 12th, 1944.

*Frank H. Perry*  
Clerk of Probate Court.

Attorney

Address

Miller-Davis Co., Minneapolis

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

August....., 1939.

0054 1687



State of Minnesota, } ss. *copy* DISTRICT COURT,  
County of Stearns. } Seventh Judicial District  
Maria A. Jos, Plaintiff,  
-VS-  
Peter Kotschevar and Katherine Kotschevar, Defendants.

The Summons, and complaint in this action  
having been duly served on Peter Kotschevar and Katherine Kotschevar, also  
known as Katy Kotschevar,

the Defendant s, on the 30th day of April, A. D. 19 36 and proof thereof  
filed with the Clerk, and no answer or demurrer to the complaint herein or copy of either having been served  
upon or received by the Plaintiff's Attorney within the time allowed by law, as required by the summons:

Now, on motion of Charles H. Richter Plaintiff's Attorney  
it is hereby adjudged that Maria A. Jos,

the Plaintiff, recover of Peter Kotschevar and Katherine Kotschevar,

the Defendant s, the sum of six hundred seventy-one & 25/100 (\$671.25) Dollars,

the amount and interest claimed in the summons with Nine & 25/100ths Dollars,

costs and disbursements, amounting in the whole to six hundred eighty & 53/100 Dollars,

Dated June 20th, 19 36. *John L. Donnell*  
Clerk of District Court.

By Deputy

District Court, Stearns County, Minn. 7th Judicial District.  
Maria A. Jos, Plaintiff,  
-VS-  
Peter Kotschevar and Katherine Kotschevar, Defendants.

State of Minnesota, } ss. Charles H. Richter  
County of Stearns. }

being duly sworn, says he is Attorney for Plaintiff in the above entitled action, and that no answer  
or demurrer has been received therein, or appearance in any manner made by Defendants, and that  
more than twenty days have elapsed since the service of the summons on the Defendants in this action;  
and that the disbursements in the annexed bill have been or will be necessarily paid or incurred therein.

Subscribed and sworn to before me, this  
19th day of June, 19 36.  
HELEN M. SKARIE (SEAL) CHARLES H. RICHTER

HELEN M. SKARIE,

NOTARY PUBLIC, Stearns County, Minn.

My Commission Expires March 15th, 1941

Bill of Costs and Disbursements.

		TOTALS
Amount Claimed in Summons	\$ 600 00	\$ 671 25
Interest	71 25	
Statutory Costs	5 00	
Serving Summons		
Clerk's Fees	3 25	
4 Affidavits	1 00	9 25
Transcripts and Docketing		
Postage, \$ Copying, \$		
The above Bill of Costs and Disbursements taxed and allowed at \$ 9.25		

Total, - - \$ 680.53

Dated June 20th, 19 36.

By *John L. Donnell* Clerk.  
Deputy.

No. ....

**DISTRICT COURT,**

*Judicial District.*

County of .....

AGAINST

**JUDGMENT ROLL.**

Filed in the office of the Clerk of  
District Court, .....  
County, Minn., .....  
A. D. 19.....

1 .....  
Clerk.

By .....  
Deputy.

State of Minnesota,

County of

Stearns

PROBATE COURT

Special

Term,

Jan. 5<sup>th</sup>

19 45

IN THE MATTER OF THE ESTATE OF

Maria A. Joa

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 Maria A. Joa 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.	9	19	44	Rev. Thomas	Account	385.00	385.00		1	5	45
2.	12	22	44	Geo. P. Joa	Account	960.00	960.00		1	5	45
TOTAL											

0054 1690



0054 1691

OFFSETS

When Allowed or  
Disallowed

FINAL BALANCE

REMARKS

NATURE OF OFFSET

Amount of  
Offset

Amount  
Allowed

Amount  
Disallowed

Month Day Year

385.00

960.00

TOTAL

1345.00

By the Court

*A. B. Ruessner*  
Judge of Probate.

No. 13379

State of Minnesota,  
County of Stearns

PROBATE COURT

In the Matter of the Estate of

*Maria A. Joa*  
Deceased

ORDER ON CLAIMS

Filed this 5<sup>th</sup> day of

January, 1945

*Frank Herzog*  
Clerk Judge of Probate

By \_\_\_\_\_ Deputy

Recorded in Book 61 of Claims

Page 106



State of Minnesota,  
County of Stearns } ss.

## IN PROBATE COURT

In the Matter of the Estate of Maria A. Joa Deceased

Whereas, It has been made to appear to the satisfaction of this Court that  
George P. Joa  
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 22nd day of August, A. D. 1945

*E. H. Rueger*  
Judge of Probate

Stearns County, Minn.

## IN PROBATE COURT,

County of Stearns

In the Matter of the Estate of

Maria A. JoaDeceasedOrder Discharging Executor  
or Administrator and  
SuretiesFiled this 22nd day of  
August, 1945Recorded in Book 75 of OrdersPage 562Frank H. Meyer  
Clerk—Judge of Probate

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

## IN PROBATE COURT.

In the Matter of the Estate of

Maria A. Joa

Decedent.

## ORDER ALLOWING FINAL ACCOUNT.

The above entitled matter came on to be heard on the 20th day of April 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 attorney, Edward F. Jacobsen, Esq., and no one appeared in opposition.

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

First—That due notice of the said hearing of said petition has been given as required by law by the publication of the citation of this Court, for said hearing, dated the 23rd day of March 1945, in the Richmond Reporter, proof of publication of said notice of hearing and service by mail having been filed in this court.

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

## RECEIPTS

Personal estate as described in the inventory	\$ 11,675.00
Personal estate omitted from the inventory	\$
Gain by sales above appraised value	\$
Cash from sales of real estate	\$
Cash from rent of real estate	\$
Cash from interest and profits	\$ 179.27
Cash from other sources	\$
	\$
	\$
Total receipts from all sources	\$ 11,854.27

## DISBURSEMENTS AND CREDITS

Estate selected for surviving spouse	\$
Maintenance of family of decedent	\$
Expenses of administration	\$ 610.40
Expenses of last sickness	\$
Funeral expenses	\$ 546.90
Taxes	\$
Claims of creditors of decedent	\$ 960.00
Legacies	\$ 200.00
	\$
	\$
Residue on hand for distribution	\$ 9,536.97
Total credits	\$ 11,854.27

76

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 April 20th, 1945

By the Court, *E. J. Ruess*  
Probate Judge.

No. 13,379  
State of Minnesota,  
County of Stearns  
PROBATE COURT.  
In the Matter of the Estate of  
Maria A. Joa  
Decedent  
Order Allowing Final Account.

Filed this 20th day of  
April, 1945, and  
recorded in Book No. 11 of Orders,  
on Page 211  
*Frank Herzog*  
Clerk Judge of Probate.  
No. 3583



## State of Minnesota,

## IN PROBATE COURT

County of Stearns

File No. 13,379

In the Matter of the Estate of

Maria A. Joa,

Decedent.

## Final Decree of Distribution

The above entitled matter came on to be heard on the 20th day of April 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, Edward F. Jacobsen, Esq., and no one appeared in opposition thereto.

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

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

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

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

THIRD—That said decedent died testate on the 21st day of August, 1944, and at the time of her 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 \$ 9436.97 comprising the following items:

Cash in the sum of	\$ 9436.97
Advancements charged in the will of decedent to legatees, as follows:	
Adam M. Joa	200.00
Mike Joa	425.00
Christian Joa	2000.00
John W. Joa	2390.00
Andrew C. Joa	600.00
Anna Joa Vonderloh	400.00
Agnes Joa Schraut	2500.00
Theresia Joa Hellmann	1025.00
Peter P. Joa children	1400.00
	<u>\$20376.97</u>

The Will provides for distribution in twelve equal shares. One-twelfth of the cash residue plus advancements is \$1698.08. Christian Joa, John W. Joa and Agnes Joa Schraut are charged with advancements in excess of \$1698.08, and receive nothing from said estate. Total advanced to said three heirs is \$6890.00, and the excess of their advancements over their shares is not recoverable, and the actual residue and advancements to the remaining nine heirs is the sum of \$13,486.97, of which amount one-ninth (1/9) is the sum of \$1498.55, and each of said nine heirs receives said amount in cash less advancement charged.

The share of Katherina Joa Berlinger is charged in the Will with an advancement of \$4795.00, which was repaid to decedent before her death as evidenced by a receipt on file in this court.

(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:

Mary Joa Brixius, Margaretha Joa Swedelius, Adam M. Joa, Mike Joa, Christian Joa, John W. Joa, Andrew C. Joa, Katherina Joa Berlinger, Anna Joa Vonderloh, Agnes Joa Schraut and Theresia Joa Hellmann, children, and Leander Joa, Isabella Joa, Clarence Joa, Leonard Joa, Merylin Joa, Alice Joa and Alvin Joa, grandchildren of decedent, being the children of Peter P. Joa, a deceased son of decedent.

Now, Therefore, On motion of Edward F. Jacobsen, Esq.,  
attorney for the

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

To Adam M. Joa, the sum of \$1298.55 in cash,  
To Mike Joa, the sum of \$1073.55 in cash,  
To Andrew C. Joa, the sum of \$898.55 in cash,  
To Anna Joa Vonderlof, the sum of \$1098.55 in cash,  
To Theresia Joa Hellmann, the sum of \$473.55 in cash,  
To each of Mary Joa Brixius, Margaretha Joa Swedelius and Katherina Joa Berlinger, the sum of \$1498.55 in cash,  
And to each of Leander Joa, Isabella Joa, Clarence Joa, Leonard Joa, Merylin Joa, Alice Joa and Alvin Joa, the sum of \$14.08 in cash.

The representative of said estate is hereby authorized and directed to pay over to Mrs. Joe Merkosky, the mother of the above named grandchildren of decedent, for their benefit, their shares herein assigned to them.

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<sup>s</sup>, their heirs and assigns; without prejudice,  
 however, to any lawful conveyance of said property or any part thereof by said persons, or any of them, heretofore made.

Dated at St. Cloud, Minn., this 20th day of April, 19 45



*[Signature]*  
 Probate Judge.

State of Minnesota,

County of .....

PROBATE COURT

I, ..... of the Probate Court  
 within and for said County, and Custodian of the Seal and Records of said Court, do hereby certify that I have compared the  
 foregoing copy 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. 13,379

State of Minnesota,

County of Stearns

IN PROBATE COURT

In the Matter of the Estate of

Maria A. Joa

Deceased.

Final Decree of Distribution

Office of Register of Deeds,  
 State of Minnesota.

County of .....  
 I hereby certify that the within Instru-  
 ment was filed in this office for record on  
 the ..... day of ..... M.,  
 19 ....., at ..... o'clock  
 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 20th day of April,  
 19 45, and recorded in Book 17  
 of Decrees, page 275

*[Signature]*  
 Judge - Clerk of Probate Court.  
 No. 3881



13,380

STATE OF MINNESOTA

IN PROBATE COURT

COUNTY OF STEARNS

In the Matter of the Estate of }  
Neal A. Holseth, Decedent }

PETITION FOR SUMMARY DISTRIBUTION

TO THE PROBATE COURT ABOVE NAMED:

Your Petitioner Myree Viola Holseth respectfully represents and states to the Court:

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

Second- That said decedent was born in the Country of the United States and lived in the township of Fair Haven until September 4, 1937 when he left there and has never been seen or heard of since. That the circumstances and facts connected with his leaving are as follows: That on said September 4, 1937 the decedent left Fair Haven with the intention of going to Rushford, Minnesota for the purpose of applying for and getting a more lucrative position as buttermaker. That he was taken to and left at Clear Lake, Minnesota where he presumably took the bus for Minneapolis. That the traffic on the bus line was very heavy, it being state fair week. That your petitioner believes that her husband met with foul play in one of the Twin Cities or fair grounds, and that he there met his death and that his body was disposed of and never found. That a very extensive and thorough search and enquiry was made for decedent by petitioner

and relatives, public officers and neighbors and friends. That no trace whatsoever has ever been found of decedent. That the relations between decedent and his wife and children was most cordial and affectionate, as was also his relations with members of his own family and relatives of petitioner. From the foregoing your petitioner alleges that said Neal A. Hoiseth died on the 4th day of September, 1937 in the state of Minnesota, and was at the time of his death a resident of the township of Fair Haven, Stearns County, Minnesota and was 33 years of age. That decedent left as his heirs at law the following:

Myree Viola Hoiseth, aged 40 years, surviving spouse, living at 417-8th Avenue North, St. Cloud, Minnesota,

Roland Lynn Hoiseth, aged 12 years, son, living at 417-8th Ave. North, St. Cloud, Minnesota,

Edward Gene Hoiseth, aged 7 years, son, living at 417-8th Avenue North, St. Cloud, Minnesota.

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

Fourth- That said estate of this decedent at the time of his death included personal property of the value of \$360.00, divided as follows:

- |  |          |   |
|--|----------|---|
| 1. Household goods   | \$200.00 | 4. Social Security Acct.<br>about \$50.00 |
| 2. Wearing Apparel   | 10.00    |   |
| 3. 1 share stock in<br>Kimball State Bank,<br>Kimball, Minn. Cert. 137 | 100.00   |   |

That said estate included no real estate whatever.

Fifth- That decedent left no debts.

Sixth- That all of said property in said estate is exempt from debts and charges in probate court and that there is no need for the appointment of a representative.

WHEREFORE, Your petitioner prays that the Court issue forthwith its final decree, assigning the whole of said estate to the persons entitled thereto.

*Myree Viola Hoiseth*  
Petitioner

STATE OF MINNESOTA }  
COUNTY OF STEARNS } ss

Myree Viola Hoiseth 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, 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 5 day of Sept., 1944.

Paul Akke  
Notary Public, Stearns County, Minn.

Myree Viola Hoiseth  
Petitioner

My commission expires Feb. 5, 1948.

13.380

STATE OF MINNESOTA  
COUNTY OF STEARNS

IN PROBATE COURT

\*\*\*\*\*

PETITION FOR SUMMARY  
DISTRIBUTION

\*\*\*\*\*

FILED THIS 5<sup>th</sup> DAY  
OF September A.D. 19 44  
Frank Herzog  
Clerk of Probate

PAUL AHLES  
Attorney for Petitioner,  
803 1/2 St. Germain St.  
St. Cloud, Minn

0055 1703



STATE OF MINNESOTA,  
COUNTY OF STEARNS } ss

Fred Schlipplin, 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 The St. Cloud Daily Times and has full knowledge of the facts hereinafter stated.

That for more than one year prior to the publication therein of the  
**Order For  
Hearing On Petition For Summary Assignment**

hereinafter described.

said newspaper was printed and published in the City of St. Cloud, in the County of Stearns, State of Minnesota, daily except Sundays and holidays; that during all said time said newspaper has been printed in the English language from its known office of publication within the City of St. Cloud from which it purports to be issued as above stated and in newspaper format and in column and sheet form equivalent in space to at least 450 running inches of single column, two inches wide; has been issued daily except Sundays and holidays from a known office established in said place of publication and employing skilled workmen and the necessary material for preparing and printing the same; that the press work on that part of the newspaper devoted to local news of interest to the community it purports to serve has been done in its known office of publication; 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 post-office; and that there has been on file in the office of the County Auditor of Stearns County, Minnesota, the affidavit of a person having knowledge of the facts, showing the name and location of said newspaper and the existence of the conditions constituting its qualifications as a legal newspaper.

That the **Order For Hearing On Petition For Summary  
Assignment**

hereto attached was cut from the columns of said newspaper, and was printed and published therein in the English language, once each week, for 3 successive weeks; that it was first so published on Thursday the 7th day of Sept. 1944; and thereafter on Thursday of each week to and including the 21st. day of September 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

*Fred Schlipplin*

Subscribed and sworn to before me 21st. day of September 1944

*A. H. A. J.*

Notary public Stearns County, Minnesota.

My Commission expires Oct. 1st 44

**ORDER FOR HEARING ON PETITION  
FOR SUMMARY ASSIGNMENT  
OR DISTRIBUTION**

STATE OF MINNESOTA, County of Stearns--ss. In Probate Court. File No. 13,290.

In the Matter of the Estate of Neal A. Holseth, Decedent.

Myree Viola Holseth having filed a petition in this Court alleging that said decedent died intestate and that said estate consists only of such personal property as is exempt from all debts and charges in Probate Court and paying for a summary assignment or distribution of said estate to the persons entitled thereto;

IT IS ORDERED, That the hearing thereof be had on Friday, September 29th, 1944, at nine o'clock A. M., before this Court in the Probate Court Room in the Court House in the City of St. Cloud, Minnesota, and that notice of said hearing be given by publication of this order in The St. Cloud Daily Times, and by mailed notice as provided by law.

Dated September 25th, 1944.  
(Probate Court Seal)

E. J. RUEGEMER,  
Probate Judge.

PAUL AHLES, Esq.,  
Attorney for Petitioner,  
St. Cloud, Minnesota.

Pub. Sept. 7-14-21, 1944

0055 1704

13.380

PRINTER'S  
Affidavit of Publication  
OF  
THE ST. CLOUD DAILY  
TIMES

Of Order For Hearing On  
Petition For Summary  
Assignment

Estate of Neal A. Hoiseth,  
Decedent

FILED THIS 23<sup>rd</sup> DAY  
OF Sept. A.D. 1944  
Frank Herzog  
Clerk of Probate

5001 5500

State of Minnesota.

County of ..... Stearns

IN THE MATTER OF THE ESTATE OF

Neal A. Holseth

*Decedent.*

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

ATTACH COPY OF ORDER HERE

ORDER FOR HEARING ON PETITION  
FOR SUMMARY ASSIGNMENT

STATE OF MINNESOTA, County of  
Stearns--ss. In Probate Court. File  
No. 13380.

No. 13,330.  
In the Matter of the Estate of Neal A.  
Holseth, Decedent.

Myree Viola Holmseth having filed a petition in this Court alleging that said decedent died intestate and that said estate consists only of such personal property as is exempt from all debts and charges in Probate Court and praying for a summary assignment or distribution of said estate to the persons entitled thereto;

IT IS ORDERED. That the hearing thereof be had on Friday, September 29th, 1944, at nine o'clock A. M. before this Court in the Probate Court Room in the Court House in the City of St. Cloud, Minnesota, and that notice of said hearing be given by publication of this order in The St. Cloud Daily Times, and by mailed notice as provided by law.

Dated September 8th, 1944.

Dated September 5th, 1944.  
(Probate Court Seal)

E. J. RUEGEMER,  
Probate Judge.

PAUL AHLES, Esq.,  
Attorney for Petitioner,  
St. Cloud, Minnesota.  
Pub. Sept. 7-14-21, 1944

File No.

## IN PROBATE COURT

### Affidavit of Mailing of Order for Hearing

State of Minnesota.

County of Stearns

Paul Ahles

being first duly sworn on oath deposes and says that on  
the 9th day of Sept., 1944,  
at St. Cloud, in said County and  
State he mailed two copies of the Order hereto attached  
in the above entitled matter, to

..... and one to  
(Commissioner of Taxation)

(Secretary of State or Foreign Consul)

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

positing the same in the U. S. mails at

St. Cloud  
and addressed to the following named persons:

[illegible]

File No. 13,380

**State of Minnesota,**

County of Stearns

**IN PROBATE COURT**

In the Matter of the Estate of

Neal A. Hoiseth

*Decedent.*

**AFFIDAVIT OF MAILING**

Exempt Estate

Filed Oct. 13-, 1944

Frank Herzog

Probate Judge - Clerk

No. 3654\*

1011 5508



STATE OF MINNESOTA }  
COUNTY OF STEARNS } ss

IN PROBATE COURT

File No. 13,390

IN THE MATTER OF THE ESTATE OF }  
Neal A. Holseth, Deceased. }

DECREE OF DISTRIBUTION  
OF EXEMPT ESTATE

The above entitled matter came on to be heard on the 29th day of September, 1944 upon the petition of Myree Viola Holseth asking for administration of said estate and summary distribution of the property thereof, and stating that the property of said decedent therein described is claimed to be exempt from the payment of debts and praying among other things that the whole of said estate be closed forthwith and judgment entered for the immediate distribution of said property to those thereunto entitled.

The petitioner appeared in person and by her attorney, Paul Ahles, and presented evidence in support of said petition.

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 citation of this court.

Second- That said decedent died intestate ~~on the 4th of September, 1937,~~ having disappeared on the 4th of September, 1937, ~~creating a presumption of death;~~ ~~which finding of death is based upon evidence~~ adduced at said hearing that Neal A. Holseth left his home at Fair Haven, Stearns County, Minnesota on the said 4th day of September, 1937 and has not been heard of since. That on said day he left for Rushford, Minnesota for the purpose of applying for and getting a more lucrative position as butter maker, that he was taken to and left at Clear Lake, Minnesota where he

presumably took the bus for Minneapolis, that the traffic on the bus line was very heavy, it being StateFair Week, that said Neal A. Hoiseth disappeared on the said 4th day of September, 1937 and that although extensive search and enquiry was made by petitioner, public officials, and relatives, no trace was found of him, that the relations between him and his wife and children was most cordial and affectionate as was also his relations with members of his own and petitioner's relatives.

Third- That the only property decedent left was the following:

1. Household goods valued at \$200.00
2. Wearing apparel valued at 10.00
3. 1 share of stock Kimball  
State Bank, Kimbal, Minn.  
Certif. No. 137 100.00
4. Social Security account  
of about 50.00 35/2

That he left no real estate.

Fourth- That all of said property is exempt from the payment of debts of said decedent by reason of the following facts: That petitioner as surviving spouse is entitled to the same under our Minnesota Statutes. It appears, however, that decedent left no debts.

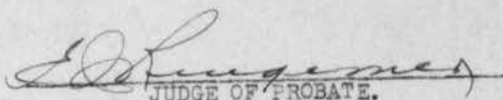
Fifth- That the following persons are the heirs at law of said decedent: Myree Viola Hoiseth, surviving spouse, who under the law takes all of said property hereinbefore described; Roland Lynn Hoiseth, 12 years of age and Ellwood Gene Hoiseth, 7 years of age, all living at 417-8th Avenue North, St. Cloud, Minnesota.

NOW THEREFORE, on motion of Paul Ahles, attorney for petitioner and by virtue of the power of 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 property, be, and the same hereby is assigned to and vested in Myree Viola Hoiseth as surviving spouse of decedent.

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereunto belonging or in any wise appertaining, to the above named person, her heirs and assigns; without prejudice, however, to any lawful conveyance of said property or any part thereof by said person made.

Dated at St. Cloud, Minnesota this 13<sup>th</sup> day of Oct. ~~1944~~ 1944

  
JUDGE OF PROBATE.

13,380

STATE OF MINNESOTA

County of Stearns

IN PROBATE COURT

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IN THE MATTER OF THE ESTATE OF  
NEAL A. HOISETH, DECEASED.  
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DEGREE OF DISTRIBUTION  
OF EXEMPT ESTATE  
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Filed this 13th day of  
October, 1944, and recorded  
in Book...83... on Page...456  
thereof.

*Frank Herzog*  
Clerk of Probate

PAUL AHLES  
Attorney for petitioner  
St. Cloud, Minn  
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