



[Stearns County \(Minn.\)](#)  
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13,397

STATE OF MINNESOTA,  
County of Stearns }

# IN PROBATE COURT

In the Matter of the { Insanity  
Inebriety  
Feeble-mindedness  
Epilepsy

Of Ben Kulzer

To the Honorable Probate Judge of said County:

Your petitioner respectfully represents to the Court and alleges that

Ben Kulzer

whose address is Route # 1, Melrose, Minnesota

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

That your petitioner is related to the said above named person as follows: brother-in-law

That the indications of insanity manifested by him are as follows:  
(Insanity-Inebriety-Feeble-mindedness-Epilepsy)

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

Imagines other men come to see his wife; and petitioner states there is no truth in it. Irrational talk. Gets up at night and mails outside door shut, bracing them on inside.

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

That the said alleged insane person will not appear in Court voluntarily, and that it will be necessary to issue a warrant to bring him before this Court.

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

NAME	ADDRESS	RELATIONSHIP
Katherine Kulzer	R# 1 Melrose	Wife
Al Kulzer	do	Son

That said patient was born in Spring Hill Township in Stearns County, is about 50 years of age, and the parent of nine children.

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

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

0072 2355



That no restraint has been employed.

That the supposed cause of insanity  
possibly (Insanity-Inebriety-Feeble-mindedness-Epilepsy)  
is Several attacks of flu, last one November 1943.

That the said patient has been treated by Dr. W. T. Wenner and  
Dr. Hammes for sinus.

That the said patient is the owner of the following described real  
and personal property, to-wit: 160 acre farm in Spring Hill Township with full set  
of machinery and live stock.

WHEREFORE, your petitioner prays that this Court will make due inquiry into the matter, and to that end that said  
above named person be brought into said Court and examined as to said alleged insanity  
(Insanity-Inebriety-Feeble-mindedness-Epilepsy)  
and if found to be insane  
(Insane-Inebriate-Feeble-minded-Epileptic) that he be committed in accordance with  
the statutes in such case made and provided.

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

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

Subscribed and sworn to before me this 18th day of September, 19 44.

Frank Herzog  
Clerk of Probate  
Stearns County, Minnesota.

State of Minnesota,

County of Stearns

# PROBATE COURT

In the Matter of the }  
Estate of Ben Kulzer }  
(Insanity-Inebriety-Feeble-mindedness-Epilepsy)

Of Ben Kulzer

## PETITION

Filed this 18th day of  
September, 1944.

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

State of Minnesota,

Stearns

County of

IN PROBATE COURT

In the Matter of the Alleged insanity

of Ben Kulzer

## REPORT OF BOARD OF EXAMINERS

We, the Board of Examiners, in the above entitled proceeding hereby certify and report that on the 20th day of September, 1944, at 11 o'clock in the fore noon of said day, we met at the Court Room of the above named Probate Court in the City of St. Cloud in the County of Stearns State of Minnesota, for the purpose of determining whether Ben Kulzer is an insane person, as alleged in the petition in the above entitled proceeding, David T. Shay, Esquire, County Attorney of said County, appeared in behalf of said Ben Kulzer

The said Ben Kulzer was present and was examined and observed by us. All proper testimony offered by any person interested was received and the following named persons were duly sworn and testified concerning the matters set forth in said petition:

The following proceedings were also had and taken:

We also elicited from said Ben Kulzer and the several witnesses appearing before us in said proceedings information required to properly answer the questions set forth in Schedule "B" hereto attached and have set forth in said schedule the information so obtained and responsive to the said several questions respectively.

From the examination so made by us and upon due consideration of all the testimony received we find and determine that Ben Kulzer is

1. A person incapable of managing his self and his affairs by reason of the habitual and excessive use by him of intoxicating liquor, drugs or other narcotics.
2. A person of unsound mind other than one who may be properly described as only an inebriate or feeble minded person.
3. A person not insane, but so mentally defective as to be incapable of managing his self and his affairs, and to require supervision, control and care for his own or the public welfare.

Dated at St. Cloud, Minnesota, this 20th day of September, 1944.

C. B. Lewis  
D. W. Kohler  
J. J. Ruessner

NOTE: Strike out two of the paragraphs not appropriate to the case. In inebriate cases answers to Schedule A should be attached. In insanity cases answers to Schedule B should be attached.

0072 2357

State of Minnesota,

County of Stearns

## IN PROBATE COURT

IN THE MATTER OF THE ALLEGED

Insanity

of

Ben Kulzer

### Report of the Board of Examiners

State of Minnesota, }

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

I do hereby certify that I have compared the within copy of the Report of the Board of Examiners with the original thereof on file in said Court, and have found the same to be a true and correct copy of such original and the whole thereof.

Witness my hand and the seal of said Court this \_\_\_\_\_ day of \_\_\_\_\_

FILED THIS 20<sup>th</sup> DAY of Sept. 1944, 19  
OF \_\_\_\_\_  
Clerk-Judge of Probate.

State of Minnesota,  
County of Stearns

PROBATE COURT  
Report of Examination

IN THE MATTER OF THE INSANITY OF

Ben Kulzer

1. (a) Date of birth May 14-1895, 1
- (b) Place of birth Springfield Wis - Stearns Co
- (c) Single ☒ married ☐ widowed ☐ divorced ☐
- (d) Number of children living 9
- (e) Date of birth of youngest child about 8
2. (a) Legal settlement at Melrose R#1 County of Stearns  
State of Minnesota,
- (b) Resident of Minnesota since all his life
- (c) Resident of Stearns Co County since all his life
3. (a) Occupation about 6<sup>th</sup> grade
- (b) Education Farmer
4. Religion Catholic
5. Patient is not entitled to care in an institution of the U. S. in Minnesota.
6. (a) Name of patient's father Walter Kulzer
- (b) Place of birth of patient's father Stearns County
- (c) Maiden name of patient's mother Mary Sand
- (d) Place of birth of patient's mother Stearns County
7. Patient's parents were no related to each other as first cousins.
8. The patient was not committed by \_\_\_\_\_ County Probate  
Court on \_\_\_\_\_, 19\_\_\_\_ to \_\_\_\_\_ State Hospital
9. Date of onset and present symptoms of this psychosis  
For several years he has felt that his wife is entertaining men at home - Has not seen them in the house but thinks they are in the house - eat food - thinks they come more now than before - nailed up the door -  
On May 31-1944 - Examined by D.E.M. Hansen & P.X. Paul  
Reported patient suffering from a very anxious nervous disorder & showed that hospital care.
10. Psychosis appears to be ☒ increasing ☐ decreasing ☐ stationary
11. (a) The patient has not injured or threatened others.
- (b) The patient has never attempted or threatened suicide except by none  
on or about \_\_\_\_\_
- (c) Propensity to suicide is not present now
12. (a) The patient has not filthy habits.
- (b) The patient is not destructive.
13. (a) The patient's father was not psychotic.
- (b) The patient's mother was not psychotic.
- (c) The following relatives of the patient were psychotic none except  
mother's sister now in Ark.



14. Prior to this psychosis there were no peculiarities of personality reactions except none
15. (a) The patient has been intemperate in the use of alcohol or habit forming drugs as follows: none
- (b) The patient's parents have been intemperate in the use of alcohol or habit forming drugs as follows: no
16. The patient has had no epilepsy; no convulsions; no skull fracture; no syphilis; no other serious diseases
17. (a) The patient has not been confined in \_\_\_\_\_ hospital, \_\_\_\_\_ Minnesota for \_\_\_\_\_ days.
- (b) The patient is suffering from no acute disease other than insanity except none
- (c) The patient's temperature is normal, pulse normal
18. (a) Name and address of patient's spouse—nearest kindred—friend  
Mrs. Ben Kulzer Melrose R#1. Wife
- (b) Name and address of patient's family physician Dr. Zechman Melrose
19. Names of material witnesses at examination  
Wick Campers - Melrose R#2

From an examination of the patient and upon the evidence adduced at the examination we find the above named patient \_\_\_\_\_ to be insane.

C. B. Lewis M. D.

Dr. Kohler M. D.

Dated Sept. 20th, 19 44.

E. J. Ruessner Probate Judge.

(COURT SEAL)

State of Minnesota,

County of Stearns

# In Probate Court

IN THE MATTER OF THE INSANITY OF

Ben Kulzer

## REPORT OF EXAMINATION INSANITY

(B. C. 1935 Form No. 233-a)

Filed this 20th day of September, 19 44

Frank H. Meyer  
Clerk—Probate Judge



State of Minnesota,

No. \_\_\_\_\_

County of Stearns

ss.

Report by \_\_\_\_\_ Judge \_\_\_\_\_ of Probate

In the Matter of the Insanity of

Ben Kulzer

In accordance with Section 3, of Chapter 294, Session Laws for 1917, I respectfully report that on the  
 20th day of September, 1944, the Probate Court Committed  
 Ben Kulzer of Stearns County  
 to the State Hospital at Fergus Falls, Minnesota.

## STATEMENT OF PROPERTY OF PATIENT, SPOUSE, CHILDREN OR PARENTS:

(State which)

## 1. REALTY:

## A. Homestead

Description

## 2. Value

## 3. House

Value \$

## 4. Other buildings on Homestead

Kind

## 5. What used for

## 6. Value of such buildings

## 7. Annual income from Homestead

## 8. Are there any mortgages or liens against the above realty?

Amount

When due

## B. Other lands:

## 1. Description 160 acres in Spring Hill Tract

8000.00

## 2. Value

## 3. Buildings thereon

## 4. Rented or not

## 5. Annual income

## 6. Are there any mortgages or liens against the above lands?

Amount

When due

## C. Household goods

Value \$

## D. Stock list

Value \$ 2000.00

## E. Machinery list

Value \$ 2000.00

## F. Notes, mortgages, corporate stocks, bonds, etc., list

## G. Cash

## H. Other property Bonds

300.00

Total, \$12,800.00

0072 2361

## LIABILITIES:

List all debts and claims against patient:

Total, \$

Net Value of Estate, \$

## FAMILY:

1. Spouse *Catherine Kulzer* Address *Mulroa, R. 1 - Min.* Age *51*
2. Children *Alvin* " Address *Home* Age *23*  
*Monica* " Address *4 Jrs. Min.* Age *19*  
*7 other children*  
*all deceased*
3. Guardian Address Age

## RECOMMENDATIONS:

Dated this 20th day of September, 19 44

*E. J. Bremer*  
 Probate Judge.

County Attorney.

State of Minnesota,

County of Stearns

## IN PROBATE COURT

IN THE MATTER OF THE INSANITY OF

Ben Kulzer

REPORT OF PROBATE JUDGE  
AND COUNTY ATTORNEY

Filed this 20th day of  
 September 19 44

*Frank H. H. H.*  
 Clerk of Probate

State of Minnesota,

County of Stearns

} ss.

## IN PROBATE COURT

In the Matter of  
the Insanity of

Ben Kulzer

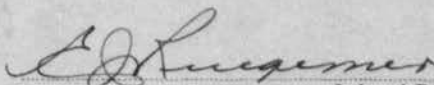
## JUDGMENT

The above entitled proceeding having been duly commenced by petition and said  
Ben Kulzer having been personally before the Court, and ex-  
amined as to insanity by a Board of Examiners duly appointed by this Court, and the report  
of said Board of Examiners having been duly filed herein, whereby said Ben Kulzer  
has been found to be insane and in need of care and treatment in a State Institution.

NOW, THEREFORE, Upon reading and filing said report and upon all the records and proceedings herein, IT  
IS HEREBY ADJUDGED AND DETERMINED, and the Court does hereby adjudge and determine, that the said  
Ben Kulzer is insane  
and a proper person for care and treatment in a State Institution.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED, That the said  
Ben Kulzer be committed to the custody of  
the State Hospital at Fergus Falls, Minnesota, and that duplicate warrants  
of commitment be issued out of and under the seal of this Court, as provided by law, to carry this judgment into effect.

Dated September 20th 19 44.

Judge of Probate,  
Stearns County.

State of Minnesota

County of Stearns

## PROBATE COURT

IN THE MATTER OF

the Insanity of

Ben Kulzer

## JUDGMENT

Filed this 20th day of

September, 1944.

*Frank K. Heron*  
Clerk of Probate Court.

1

*Recorded in Book 1,  
Page 319 - Judgment*

0072 2364



State of Minnesota, }  
 County of Stearns } ss.

## IN PROBATE COURT

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

of Ben Kulzer

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

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

City of St. Cloud on the 20th day of  
 (City—Village)  
 September, 19<sup>44</sup> at 11 o'clock A. M.

Dated this 19th day of September, 19<sup>44</sup>.

(Court Seal)

*E. H. Hughes*  
 Probate Judge.

0072 2365



State of Minnesota,

COUNTY OF STEARNS

} ss.

IN PROBATE COURT,  
WARRANT

IN THE MATTER OF

the alleged insanity of

Ben Kulzer

Nick Caspers

having made and filed in this Court a duly verified petition, setting forth that the above-named person in this County is insane and in need of care and treatment, and that it is dangerous for him to remain at large, and stating that he will not appear in this Court voluntarily.

NOW, THEREFORE, You, Art McIntee, Sheriff, are hereby directed and required to bring such alleged insane person before this Court on the 20th day of September 19 44, at its Probate Court Rooms in the Court House, in the City of St. Cloud, at 11 o'clock A. M., for an inquiry concerning the mental condition of said person, as by law in such case made and provided.

By the Court,

Dated September 19th, 1944.

To Art McIntee, Sheriff

Judge of Probate.

Stearns County, Minn.

Stearns County.

0072 2366

ORIGINAL

STATE OF MINNESOTA,

County of Stearns

## IN PROBATE COURT

In the Matter of the { Insanity  
Inebriety

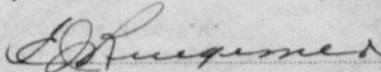
Of Ben Kulzer

To the Sheriff of Stearns County, Minnesota, and the Superintendent of the  
State Hospital, Fergus Falls Minnesota.

The above named patient having been found to be insane, the said sheriff is  
(Insane-Inebriate)  
commanded to convey and deliver such patient forthwith to the Superintendent of the State Hospital at  
Fergus Falls, Minnesota, and the said Superintendent is commanded to receive and  
detain such patient in said hospital according to law.

Dated this 20th day of September, 19 44.

(Court Seal)



Probate Judge.

(Note:—See reverse side for receipt of superintendent.)

0072 2367

STATE OF MINNESOTA,

County of Stearns

## IN PROBATE COURT

In the Matter of the

- Insanity
- Inebriety
- Feeble-mindedness
- Epilepsy

Of Ben Kulzer

To the Hon. David T. Shay, County Attorney of said County:

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

insanity

(Insanity-Inebriety-Feeble-mindedness-Epilepsy)

of the above named patient.

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

20th

day of

September

, 19 44,

at 11

o'clock

A.

M., to

represent said patient and to take part in the said examination in his behalf.

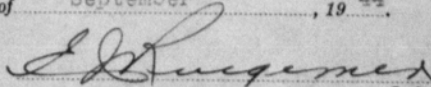
Dated this

20th

day of

September

, 19 44.



Judge of Probate.

0072 2368

STATE OF MINNESOTA,  
County of Stearns

## IN PROBATE COURT

In the Matter of the }  
                          *Insanity*  
                          *Inebriety*  
                          *Feeblemindedness*  
                          *Epilepsy*

Of Ben Kulzer

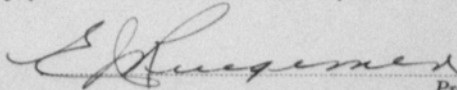
Upon all of the files, records and proceedings herein,

IT IS ORDERED, That Dr. C. B. Lewis and

Dr. D. W. Kohler are appointed to assist in the examination  
herein.

Dated this 20th day of September, 19 44.

(Court Seal)

  
Probate Judge.

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

0072 2369

State of Minnesota,  
County of Stearns

} ss.

IN PROBATE COURT  
CERTIFICATE

This is to certify that Dr. D. W. Kohler

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

(SEAL)

*E. H. Hageman*

Judge of Probate.

Dated September 20th 19 44

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

0072 2370



**State of Minnesota,**  
County of Stearns

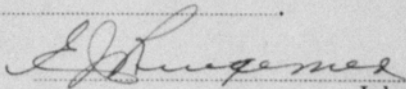
} ss.

**IN PROBATE COURT  
CERTIFICATE**

This is to certify that Dr. C. B. Lewis

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

(SEAL)

  
Judge of Probate.

Dated September 20th, 19 44

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

0072 2371

STATE OF MINNESOTA,

County of Stearns

## IN PROBATE COURT

In the Matter of the  
 { Insanity  
 Intoxication  
 Feeble-mindedness  
 Epilepsy

Of Ben Kulzer

STATE OF MINNESOTA,

County of Stearns

} ss.

We Dr. C. B. Lewis

and Dr. D. W. Kohler

do each swear that we will faithfully and justly  
 perform all the duties of the office and trust which we now assume as members of the Board of Examiners to examine the  
 above named patient, and determine as to his being insane, to the  
 best of our ability.

(Insane-Intoxicated-Feeble-minded-Epileptic)

C. B. Lewis

D. W. Kohler

Subscribed and sworn to before me this

20th

day of

September

1944

*E. E. Kuennen*  
 Judge of Probate

0072 222

State of Minnesota,

County of Stearns

} ss.

IN PROBATE COURT,  
EXAMINER'S FEE CLAIM.In the Matter of the insanity  
of Ben Kulzer

Dr. D. W. Kohler

on being first duly sworn, says that he has a

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

Services as examiner - - - - - \$5.00

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

TOTAL - - - \$ 5.30

D. W. Kohler MD

Subscribed and sworn to before me, this 20th

day of

September

19 44

E. W. Hugener

Clerk - Judge of Probate.

0072 2373

State of Minnesota,

Stearns

ss.

County of

IN PROBATE COURT,  
EXAMINER'S FEE CLAIM.

In the Matter of the insanity

of Ben Kulzer

Dr. C. B. Lewis

on being first duly sworn, says that he has a

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

Services as examiner - - - - - \$5.00

2 mile <sup>s</sup> of necessary travel at 15c per mile - - \$ .30

TOTAL - - - \$ 5.30

C. B. Lewis

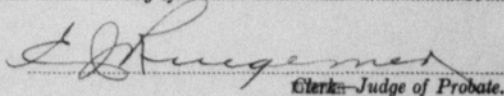
Subscribed and sworn to before me, this

20th

day of

September

19 44


  
Clerk - Judge of Probate.

0072 2374

State of Minnesota,

County of Stearns

ss.

IN PROBATE COURT  
EXAMINER'S-FEE ORDER

IN THE MATTER OF THE insanity

Ben Kulzer

Dr. D. W. Kohler

having been duly appointed an examiner in  
insanity in the above entitled matter by an order of this Court and having filed his duly verified claim  
for fees allowed by law therefore.

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

Dr. D. W. Kohler

be and he hereby is allowed

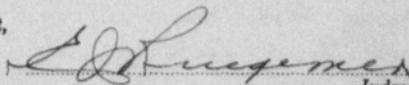
Five and 30/100

Dollars (\$ 5.30)

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

Dated September 20th, 1944.

By the Court,

  
Judge of Probate.

0072 2375



State of Minnesota,

County of Stearns

ss.

IN PROBATE COURT  
EXAMINER'S-FEE ORDER

IN THE MATTER OF THE insanity

Ben Kulzer

Dr. C. B. Lewis

..... having been duly appointed an examiner in  
insanity ..... in the above entitled matter by an order of this Court and having filed his duly verified claim  
for fees allowed by law therefore.

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

Dr. C. B. Lewis

..... be and he hereby is allowed

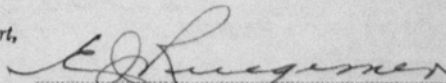
Five and 30/100

Dollars (\$ 5.30

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

Dated September 20th, 1944.

By the Court,

  
.....  
Judge of Probate.

0072 2376

State of Minnesota,

COUNTY OF STEARNS

} ss.

IN PROBATE COURT

FEE CLAIM OFFICER

IN THE MATTER OF THE INSANITY OF

Ben Kulzer

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

Railroad fare from St. Cloud, Minn., to Fergus Falls, Minn., for	3	persons	\$	9.10
Taxi fare at	-	-	\$	
Hotel at	-	-	\$	
Lodging and	3	meals for 3 persons	\$	1.70
Railroad fare from Fergus Falls, Minn., to St. Cloud Minn., for	2	persons	\$	9.10
Reasonable compensation of	2	assistants	\$	6.00
Warrant and Mileage	-	-	\$	8.99
Bringing and attending Court -	-	-	\$	
94 miles @ 8 and 9¢			\$	
			\$	
Total	-	-	\$	34.89

Subscribed and sworn to before me this

22nd day of September 1914

Judge of Probate.

260 miles @ 7¢

0072 2377

State of Minnesota,

County of Stearns

} ss.

IN PROBATE COURT  
OFFICER'S FEE ORDER

IN THE MATTER OF THE insanity

of Ben Kulzer

Art McIntee, Sheriff,

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

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

Art McIntee

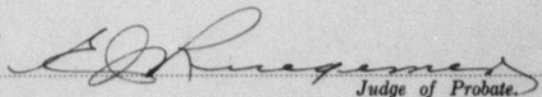
be and he hereby is allowed

Thirty-four and 89/100

Dollars (\$ 34.89) for his services herein and

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

By the Court,

  
Judge of Probate.

Dated September 22nd 19 44

**State of Minnesota,**County of Stearns**PROBATE COURT**IN THE MATTER OF THE insanityof Ben Kulzer**OFFICER'S FEE ORDER**

B. C. 12 D.

Filed this 22nd day of September,...19 44

Clerk—Judge of Probate.

**State of Minnesota**

COUNTY OF STEARNS

**PROBATE COURT**

In the Matter of the Insanity of

Ben Kulzer

**FEE CLAIM--OFFICER**

Filed this 22nd day of

September, 1944

*Frank Herzog*

Clerk Judge of Probate.

State of Minnesota,  
County of Stearns

## PROBATE COURT

In the Matter of the insanity  
of Ben Kulzer

### Examiner's-Fee Order

B. C. 12 B.

Filed this 20th day of  
September 19 44

*Frank Herzog*  
Clerk—Judge of Probate.

State of Minnesota,

County of

} ss.

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

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

this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Clerk—Judge of Probate.

1832 2100



## State of Minnesota,

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

} ss.

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

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

this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Clerk—Judge of Probate.

State of Minnesota,

County of Stearns

## PROBATE COURT

In the Matter of the insanityof Ben Kulzer

## Examiner's-Fee Order

B. C. 12 B.

Filed this 20th day of  
September 1944

*Frank Heryg*  
Clerk—Judge of Probate.

State of Minnesota,

County of Stearns

## PROBATE COURT

IN THE MATTER OF THE

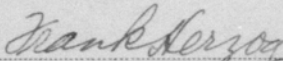
Insanity

of Ben Kulzer

## EXAMINER'S FEE CLAIM

Filed this 20th day of

September 19 44

Clerk ~~Judge~~ of Probate.

State of Minnesota,

County of Stearns

## PROBATE COURT

IN THE MATTER OF THE

Insanity

of Ben Kulzer

## EXAMINER'S FEE CLAIM

Filed this 20th day of

September 19 44

  
Clerk—Judge of Probate.

No. 13,397

State of Minnesota, }  
County of Stearns } ss.

IN PROBATE COURT

IN THE MATTER OF THE

Insanity of

Ben Kulzer

Oath of Examiners in

Insanity

Filed this 20th day of  
September, 1944

Frank R. Hergatz  
Judge-Clerk of Probate.

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

---

**PROBATE COURT**

---

IN THE MATTER OF

the Insanity of

Ben Kulzer

---

**CERTIFICATE**

---

Filed this 20th day ofSeptember 19 44

*Frank K. Meyer*  
Clerk of Probate

---

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

---

9832 2100  
0072 2386



State of Minnesota. }

County of Stearns }

**PROBATE COURT**

IN THE MATTER OF

the Insanity of

Ben Kulzer

**CERTIFICATE**

Filed this 20th day of

September 19 44

  
Clerk of Probate

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

0072 2387

State of Minnesota,  
County of Stearns

---

**PROBATE COURT**

---

In the Matter of  
the insanity of

Ben Kulzer

---

**Appointment of Examiners**

---

Filed this 20th day of

September 19<sup>44</sup>

*Frank Herzog*  
Clerk of Probate

---

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

---

State of Minnesota,

Stearns

County of

PROBATE COURT

In the Matter of

the insanity of

Ben Kulzer

Notice to County Attorney

Filed this 20th day of

September

19 44

Frank R. Hervey  
Clerk of Probate

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

6822100  
0072 2389

0862 2100

RECEIPT OF SUPERINTENDENT

Receipt of the above named patient, a duplicate of this Warrant, and a certified copy of the report of examination are hereby acknowledged. Rec'd at the hands of Archie McGann attended by Donald McGann at 3:45 P.M.

Dated this 20th day of Sept., 19 44

*W. H. Patterson*  
Superintendent.

(Receipt on original copy only.)

File No. 13,397

State of Minnesota,

County of Stearns

IN PROBATE COURT

IN THE MATTER OF THE

Insanity

of

Ben Kulzer

Warrant of Commitment and  
Superintendent's Receipt

Voucher No.

Filed Sept. 23, 1944

*Frank Herzog*  
Clerk of Probate

## State of Minnesota,

COUNTY OF STEARNS

## PROBATE COURT

IN THE MATTER OF

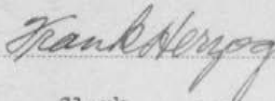
the insanity of

Ben Kulzer

## WARRANT

Filed this 20th day of Sept.

19 44



Clerk of Probate.


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

County of Stearns }  
City of St. Cloud } ss

I hereby certify and return that by virtue of the within Warrant I have arrested the within named Defendant Ben Kulzer and have his body now in Court.

Dated this 20th day of September, 1944

Warrant \$1.00  
Mileage 7.39  
Assistant 3.00  
Total \$11.39

Art Mailes  
Sheriff, Stearns County  
By:  Deputy

1882 2100



No. 13,397

State of Minnesota,

County of Stearns

IN PROBATE COURT

IN THE MATTER OF THE ALLEGED

Insanity

of Ben Kulzer

ORDER FOR HEARING

Insanity, Inebriety,  
Feeble-mindedness, Epilepsy

B. C. 1935 Form No. 224-A

Filed this 19th day of  
September, 1944.

*Frank Nezyog*  
Clerk—~~Judge~~ of Probate.

2662 2100  
0072 2392

13,398

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

**IN PROBATE COURT****IN THE MATTER OF THE ESTATE OF**James Abner Spence,Decedent.**Petition for Appointment of Special Administrator**

Your petitioner Wesley D. Spence, respectfully represents and states to the court:

First—That he is a resident of St. Paul, in the County of Ramsey, State of Minnesota, and is interested in the said estate of decedent as a son and one of the heirs at law of said decedent.

Second—That said decedent died on the 14th day of September, 1944, at St. Cloud in the County of Stearns State of Minnesota, and at the time of his death was a resident of the County of Stearns State of Minnesota, and left estate in the County of Stearns State of Minnesota, of the character and estimated value following, to-wit:

**Real Estate**

(1st) Homestead of the estimated value of none \$.....

(2nd) Other lands none .....

of the total estimated value of..... \$.....

**Personal Property**

(1st) Household goods of the estimated value of..... \$ 500.00

(2nd) Wearing apparel of the estimated value of..... \$.....

(3rd) Capital stock of the estimated value of..... \$.....

(4th) Notes, bonds, mortgages and other evidences of indebtedness, of the estimated value of..... \$.....

Other personalty..... \$ 1000.00

..... \$.....

Total personal property..... \$ 1500.00

Third—That it is necessary and expedient that a special administrator of said estate be appointed, for the following reasons: That the nature and extent of decedent's property is unknown to petitioner, who believes that decedent owned property now in the possession of third persons not entitled thereto, and that special administration is necessary to locate and preserve decedent's property pending the appointment of a general administrator.

Fourth—That Wesley D. Spence who is a resident of Ramsey County Minnesota, and whose Postoffice address is 1661 Iglehart Avenue is a suitable person to act as special administrator of said estate. St. Paul, Minnesota,

0073 2393

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

Wesley D. Spence granted.

Dated September 19th 19 44.

*Wesley D. Spence*  
Petitioner.

State of Minnesota, }  
County of Stearns. } ss. Wesley D. Spence,

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

*Wesley D. Spence*

Subscribed and Sworn to Before me this  
19th day of September,  
19 44.

*J. H. Harrison*  
Notary Public Stearns County, Minn.

My Commission Expires March 14th 1950. 19

13,398

State of Minnesota,  
County of Stearns.

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

James Ahner Spence,  
Decedent.

Petition for Appointment of Special  
Administrator.

Filed this 20th day of  
September 19 44.  
*Wm. H. Spence*  
Clerk of Probate.  
No. 368.

STATE OF MINNESOTA  
DEPARTMENT OF TAXATION  
DIVISION OF INHERITANCE AND GIFT TAXES

REPORT OF SAFETY DEPOSIT BOX EXAMINATION

IN THE MATTER OF THE ESTATE OF James Abner Spence, DECEASED  
County of Stearns Box No. 15 standing in the name of  
James A. Spence or Diana, or Carl R. Magnuson  
in the place of business of Guaranty State Bank and Trust Co.  
(Name of Bank, Trust Company or Safety Deposit Box Company)  
in the City of St. Cloud Stearns County, Minnesota.

Names of those present participating in the opening, examination and transfer;--

L. J. Kost, by Albert W. Schmitt, Dep.  
County Treasurer

Wesley B. Spence  
For the Estate

Andrew A. Weber  
For the Bank or Trust Co.

Date of opening Sept. 22nd, 1944

\$1300 Cash, \$1500.00 Cash kept and filed separately.  
DESCRIPTION OF PROPERTY:

Executors Deed, Jessie M. Tanner, Administrator, to James A. Spence and Diana Spence as joint tenants, and not as tenants in common, with right of survivorship, Lots 5 & 6, Block 4, & W<sup>1</sup>/<sub>2</sub> of Park Street as duly vacated by court order, Lake Side Park, Township of Rockville. Abstract on above described property, Ins. papers & receipts of no value.

United States Savings Bond, Series E. Each of \$100.00 denomination:  
C 12617771 E C 13114414 E C 21010962 E  
C 14575992 E C 13112962 E C 1624 5117 E  
C 14575086 E C 13115355 E C 16244782 E  
C 12956172 E C 15189643 E C 16244783 E  
C 13115035 E C 15189642 E C 14575967 E  
C 13114413 E C 15187972 E C 14575343 E

The above listed bonds are made in the name of Mr. Carl R. Magnuson, P.O.D. to Mrs. Dina Spence, Route 2, Pleasant Lake, St. Cloud, Minn.

\*\*\*\*\*  
United States Savings Bond, Series E. Each of \$50.00 denomination:  
L 17627649 E L 17627650 E  
L 10188582 E L 10188581 E

The above bonds are made in the name of Carl R. Magnuson, P.O.D. to Mrs. Dina Spence, R.2, Pleasant Lake, St. Cloud, Minn.

U.S.B. Series E. Q 115471006 E, payable to Carl R. Magnuson, P.O.D. to Mrs. Dina Spence, R.2, Pleasant Lake, St. Cloud, Minn. Amount \$25.00

U.S.Bond, Series E. \$50.00 L 76 965 494 E. James A. Spence, 5262 S.E. Stark St., Portland, Oregon, or Mrs. Diana Spence.

U.S.Government Ins. Policy, Carl Robert Magnuson, F.N. 16,964,675 in the amount of \$10,000.00.

The above is hereby certified to as a correct and complete description of the contents of the above described safety deposit box.

J. L. Billman  
As power of attorney for Mrs.  
Dina Spence and daughters.

Carl Robert Magnuson

L. J. Kost by Albert W. Schmitt  
County Treasurer

W. B. Spence  
For the Estate of said Decedent

INSTRUCTIONS

1. One copy of this Report should be sent by the County Treasurer to the Probate Court of the interested county and one copy to the Commissioner of Taxation at St. Paul, Minn.
2. If the County Treasurer for any reason deems it inadvisable to have the contents of such box delivered to the representative of the estate at the time of the examination of such securities, the Treasurer may serve notice upon the Safety Deposit Box Company to defer such delivery for ten days. See Section 2363, Mason's Minnesota Statutes 1927, as amended by Chapter 318, Laws of 1939. See also, Section 10909, Mason's Minnesota Statutes 1927.

G. HOWARD SPAETH  
Commissioner of Taxation.

By FRANKLIN B. STEVENS,  
Director, Division of Inheritance Gift Taxes.

0073 2395



File No. 13,398

State of Minnesota,  
County of Stearns

IN THE MATTER OF THE ESTATE OF  
*James Edwin Spruce*, Deceased

Report of Safety  
Deposit Box Examination

FILED THIS 22<sup>nd</sup> DAY  
OF Sept. 1944  
*Mark Herzog*  
Clerk of Probate

0073 2396



State of Minnesota,  
County of Stearns }

## IN PROBATE COURT

In the Matter of the Estate of

James Abner Spence

Decedent.

## Order Granting Special Administration

On reading and filing the petition of

Wesley D. Spence

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

Wesley D. Spence

, and upon due consideration of said petition

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

FIRST—That said decedent died on the 14th day of September, 1944,

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

State of Minnesota

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

Stearns

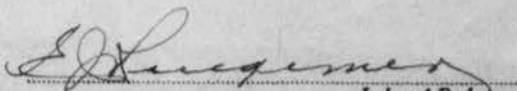
State of Minnesota.

SECOND—That special administration is necessary to locate and (1)  
preserve decedent's property pending the appointment of a general  
administrator of his estate.

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

Now Therefore, it is Ordered, That special administration of said estate be, and the same hereby is, granted; and that Wesley D. Spence be, and he hereby is appointed such special administrator of said estate, to administer the same according to law until the further order of this court or the appointment and qualification of a general representative of said estate according to law; and that before letters of special administration are to him issued, he shall take and file his oath as required by law, and file his bond in the penal sum of One Thousand and no/100 (\$1000.00) Dollars, with sufficient sureties as provided by law, to be approved by the Judge of this court and conditioned as by law required.

Dated September 20th, 1944.

  
Judge of Probate.

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

0073 2397

State of Minnesota,  
County of Stearns }

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

James Abner Spence  
Decedent.

Order Granting Special Administration

Filed this 20th day of

September 19 44, and recorded

in Book " 24 " of Orders,

Page 389

Frank Herzog  
Clerk—Judge of Probate Court.

*State of Minnesota,* }  
County of Stearns }

## IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

James Abner SpenceDecedent.

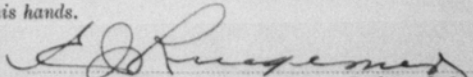
## Letters of Special Administration.

Wesley D. Spence

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

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

Dated September 20th 1944

  
Probate Judge.

0073 2399

*State of Minnesota,*

County of *Stearns*

**PROBATE COURT**

IN THE MATTER OF THE ESTATE OF

*James Abner Spence*

LETTERS OF ADMINISTRATION  
(Long Form)

Filed this *20th* day of  
September 19 *44*, and recorded  
in Book "*L*" of Letters,  
Page *133*.

*Frank E. Herzog*  
Clerk *Judge* of Probate.



Know all Men by these Presents, That we, Wesley D. Spence,

as principal and C. W. Rotert and Grace R. Rotert

as sureties, are held and firmly bound unto Hon. E. J. Ruegemer Judge of Probate of the County of Stearns Minnesota, in the sum of One thousand and no/100 DOLLARS, lawful money of the United States, to be paid to the said Judge of Probate, or to 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.

Signed with our hands and sealed with our seals this 19th day of September A. D. 1944.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bounden

Wesley D. Spence Special Letters of Administration upon the estate of James Abner Spence late of St. Cloud, Stearns County, Minnesota, deceased, being to him granted, shall and will faithfully discharge the duties of his trust according to law and shall make and return into the Probate Court of the County of Stearns and State of Minnesota, as required by law, a true and perfect inventory of all the goods, chattels, rights, credits and effects of said deceased, which shall come to his possession or knowledge, and that he will truly account for all goods, chattels, credits and effects of the said deceased which shall be received by him, whenever required by the Probate Court of said County, and shall deliver the same to the person who shall afterwards be appointed executor or administrator of said deceased, or to such other person as shall be legally authorized to receive the same; then this obligation to be void, otherwise to remain of full force and effect.

Sealed and Delivered in Presence of

Gerald D. Shively  
Betty Schoenhoff

Wesley D. Spence (SEAL)  
C. W. Rotert (SEAL)  
Grace R. Rotert (SEAL)  
(SEAL)  
(SEAL)  
(SEAL)  
(SEAL)  
(SEAL)

STATE OF MINNESOTA,

County of Stearns.

BE IT KNOWN, That on this 19th day of September A. D. 1944 Personally appeared before me Wesley D. Spence, C. W. Rotert and Grace R. Rotert,

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.

(NOTARIAL SEAL)

Gerald D. Shively  
Notary Public, Stearns County, Minn.

My Commission expires 19

Gerald D. Shively, Notary Public, Stearns County, Minn.  
My Commission Expires July 24, 1948

0073 2401

## STATE OF MINNESOTA,

County of Stearns.

C. W. Rotert

and

Grace R. Rotert

being duly sworn, each for himself, deposes and says, that he is a freeholder and resident of the State of Minnesota, and is worth the sum of

One thousand and no/100 ----- Dollars, over and above all just debts, liabilities and responsibilities, and exclusive of his property exempt from execution.

Subscribed and sworn to before me this  
19th day of September, 1944

*Gerald D. Shively*  
Gerald D. Shively  
Notary Public Stearns County, Minn.

My Commission expires July 21 1946.

I do hereby approve the within Bond:

Dated this 20th day of

September,

A. D. 1944.

*E. J. Hughes*  
Judge of Probate.

## STATE OF MINNESOTA,

County of Stearns.

In the Matter of the Estate of

James Abner Spence,

Deceased.

## IN PROBATE COURT,

Special Term September, 1944

## STATE OF MINNESOTA,

County of Stearns.

I, Wesley D. Spence,

Of the County of Ramsey and State of Minnesota, appointed by the Probate Court of said County as special administrator of the estate of James Abner Spence,

late of the County of Stearns in the State of Minnesota, deceased, do solemnly swear that I will, well, faithfully and honestly discharge the duties of the trust to the best of my ability, and according to law. So help me God.

*Wesley D. Spence*  
Special Administrator of the Estate of  
James Abner Spence,

Deceased.

Subscribed and sworn to before me the  
19th day of

September, A. D. 1944.

*J. B. Patterson*  
J. B. PATTERSON,  
Notary Public, Stearns County, Minn.  
My Commission Expires March 13, 1949

No. 13,398

## IN PROBATE COURT

County of Stearns.

In the Matter of the Estate of

James Abner Spence,

Deceased.

Special Administrator's Bond  
and Oath

Filed and approved this 20th

day of September, 1944.

*Frank Herzog*  
Clerk of Probate.

STATE OF MINNESOTA,

County of Stearns.

I hereby certify that the within Bond was  
duly recorded this  
1 day of September, 1944  
in Book 7 of Bonds, page 537  
of Probate Records.

Clerk—Judge of Probate.



STATE OF MINNESOTA,

County of Hennepin

PROBATE COURT

Re Estate of

File No. 62895

James A. Spence

Decedent.

LETTERS OF SPECIAL ADMINISTRATION

Joe Billman, of Hennepin County, Minnesota

is hereby appointed special administrator OR herein.

In Testimony Whereof the Judge of the above named  
Court has set his hand and affixed the seal of said Court  
this 21st day of September 1944

(Court Seal)

Manley L. Fosseen

Probate Judge.

0073 2403

File No. 62895

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**State of Minnesota**

*County of Hennepin*

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**PROBATE COURT**

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*Re Estate of*

James A. Spence

*Decedent*

**Letters of Special Administration**

*Issued to*

Joe Billman

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Recorded in Book "\_\_\_\_\_" of Letters

on Page \_\_\_\_\_

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0073 2484

STATE OF MINNESOTA, { ss.  
COUNTY OF HENNEPIN

PROBATE COURT

A 22581

I, ERNEST P. LORENZ, Clerk 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 the Letters of Special Administration in the matter of the Estate of  
James A. Spence, Decedent,

with the original record thereof preserved in this office and have found the same to be a correct transcript of the whole thereof.

I further certify that said letters are in full force and effect.

In Testimony Whereof, I have hereunto subscribed my name and affixed the Seal of said Court, at Minneapolis, in said County,

this 8th day of November, 1914.

*Ernest P. Lorenz*

Clerk of the Probate Court

File No. 62895

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

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**PROBATE COURT**

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**In the Matter of the Estate of**

James A. Spence,  
Decedent;

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Letters of Special Administration

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**CERTIFIED COPY**

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0073-2406

State of Minnesota, }  
County of Hennepin }

Re Estate of

James A. Spence

Decedent.

PROBATE COURT  
Petition for  
Special Administration

Joe Billman

residing at 2121 Nicollet Avenue, Minneapolis,  
Street—Avenue

Minnesota, to the best of his knowledge, information and belief, respectfully represent that  
he has an interest herein as creditor;  
that the decedent was born on Feb. 5, 1976 at Minneapolis,  
Minnesota and died in testate at Minneapolis, Minnesota; on Sept. 14, 1944  
a resident of Hennepin County that the general character  
and probable value of the decedent's estate are (a) homestead \$ none  
(b) other real estate in Minnesota \$ none  
(c) personal property \$ 900.00;  
that the probable amount of decedent's debts is \$ 900.00;  
and that he was survived by the following named persons who are all of his heirs, executors,  
legatees and devisees:

NAME	AGE	RELATIONSHIP	ADDRESS
Diana Spence	69	wife	3704 Bloomington Avenue
Mrs. Louise Mourning	40	daughter	2206 1/2 Riverside
Mrs. Isabelle Mourning	35	daughter	3704 Bloomington
Wesley D. Spence	38	son	1661 Iglehart (St. Paul)

That it is necessary and expedient to appoint a special administrator for the following reasons:

- 1) Gain access to Safety Deposit Box, jointly owned with step-son Carl Magnuson S 2/C (See affidavit herewith attached)
- 2) Since his funds will only pay debts and there is no distributable estate, it is desirable to care for these matters without delay
- 3) Since Mrs. Spence's son will only be in Minneapolis thru Friday, she is anxious for him to supervise these business details in cooperation with Joe Billman

\* Deceased has for the last three years been engaged in war work and has no other legal residence other than Hennepin County

WHEREFORE your petitioner prays that Joe Billman  
2121 Nicollet Avenue, Minneapolis, Minnesota, be appointed special  
Street—Avenue

administrat. or herein.

Dated Sept. 21, 1944

Mrs Diana Spence

State of Minnesota, } ss.  
County of Hennepin

Mrs. Diana Spence

being duly sworn, says that the foregoing petition by herself subscribed, is true of her own  
knowledge, except the matters which are therein stated upon her information and belief, and  
that as to those matters she believes it to be true.

Subscribed and sworn to before me this

21 day of Sept., 1944

Mrs Diana Spence

George W. Tanner

Notary Public, Hennepin County, Minn.

My commission expires June 5, 1949

(NOTARIAL SEAL)

No. 62895

IN PROBATE COURT  
HENNEPIN COUNTY

Re Estate of

James A. Spence

Decedent.

Petition for  
Special Administration

Filed Sep 21 1944

Ernest P. Lorenz  
Clerk of Probate Court



STATE OF MINNESOTA, { ss.  
COUNTY OF HENNEPIN

PROBATE COURT

A 22584

I, ERNEST P. LORENZ, Clerk 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 the Petition of Special Administration in the matter of the Estate of  
James A. Spence, Decedent,

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 Minneapolis, in said County,

this 8th day of November, 1944.

Ernest P. Lorenz  
Clerk of the Probate Court.

File No. 62895

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

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**PROBATE COURT**

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**In the Matter of the Estate of**

James A. Spence,  
Decedent,

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Petition for Special Administration

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**CERTIFIED COPY**

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0073 2410

## State of Minnesota

County of Hennepin  
STEARNS

## PROBATE COURT

FILE NO. ....

Re Estate of

James Abner Spence

Decedent.

PETITION FOR  
GENERAL ADMINISTRATION

Isabelle G. Mourning

residing at 3704 Bloomington Avenue Minneapolis Minnesota,  
(Street or Avenue) (Town or City)to the best of her information and belief, respectfully represents that she is interested as  
the daughter of decedent; that the decedent was born on February 5, 1876at Minneapolis, Minnesota, and died intestate at St. Cloud, Minnesota  
StearnsMinnesota, on September 14, 1944, a resident of Hennepin County, Minnesota, residing  
at St. Cloud, Minnesota;  
(Street or Avenue) (Town or City)

that the general character and probable value of the decedent's estate are (a) homestead \$ None;

(b) other real estate in Minnesota \$ None; (c) personal property

\$1600.00; that the probable amount of the decedent's debts is \$ 250.00; and that he was

survived by the following named persons who are all of his known heirs:

NAME	AGE	RELATIONSHIP	RESIDENCE
Diana Spence	69	Widow	3704 Bloomington Av. Mpls.
Isabelle G. Mourning	35	Daughter	"
Louise A. Mourning	40	Daughter	2206 Riverside Av. Mpls.
Wesley D. Spence	38	Son	1661 Iglehart St. St. Paul

WHEREFORE, Your petitioner prays that the notice to creditors be issued forthwith and that  
Diana Spenceresiding at 3704 Bloomington Av. Minneapolis, Minnesota,  
(Street or Avenue) (Town or City)be appointed general administrator herein, and upon qualifying, letters of administration should  
issue to ~~Isabelle G. Mourning~~, her

Dated: October 9, 1944

Isabelle G. Mourning

0073 2411

STATE OF MINNESOTA } ss.  
COUNTY OF HENNEPIN }

Isabelle G. Mourning ..... being first duly sworn,  
upon oath says that she ..... the petitioner named in the foregoing petition; that the said petition  
is true of her own knowledge, except as to matters therein stated on information and belief, and as  
to such matters she believes it to be true.

Subscribed and sworn to before me this 7<sup>th</sup> day of October, 1944.

Notary Public, ..... Co., Minn.

My Commission expires Feb 24 - 1950

Isabelle G. Mourning

(Notarial Seal)

No. 13398  
State of Minnesota  
COUNTY OF HENNEPIN

PROBATE COURT

Re Estate of

James Albert Spear  
Decedent.

PETITION FOR GENERAL  
ADMINISTRATION

Heirs

Filed October 9<sup>th</sup> 1944  
Frank H. Hoyer  
Clerk of Probate Court.





AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA  
COUNTY OF STEARNS

SS.

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. 13,398.

IN RE ESTATE OF James Abner Spence, Decedent.  
ORDER FOR ADMINISTRATION, LIMITING TIME TO FILE CLAIMS AND FOR HEARING THEREON, Isabelle G. Mourning having filed herein a petition for general administration stating that said decedent died intestate and praying that Diana Spence be appointed administrator;

IT IS ORDERED, That the hearing thereof be had on Friday, November 3rd, 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, February 16th, 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 October 9th, 1944.  
(Probate Court Seal)

E. J. RUEGEMER,  
Probate Judge.  
CHARLES H. RICHTER, Esq.  
Attorney for Petitioner  
St. Cloud, Minnesota.  
19-12-19-26

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

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

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

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

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

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

that it was first so published on Thursday the 12th day of October 19 44, and thereafter on Thursday

of each week to and including the 26th day of October

19 44; and that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to-wit:

abcdefghijklmnopqrstuvwxyz

Anton Volkmuth

Subscribed and sworn to before me this 27 day of Oct 19 44

Margaret Kurkowski

Notary Public, \_\_\_\_\_ County, Minnesota.

My Commission expires \_\_\_\_\_ Deputy Register of Deeds 19 \_\_\_\_\_

STEARNS COUNTY, MINN.

0073 2414



13.398

STATE OF MINNESOTA }  
County of Stearns }

PROBATE COURT  
In the Matter of the Estate of

James Abner Spence  
Deceased

Printers affidavit  
Adm & Claims

FILED THIS 27th DAY  
OF October A.D. 19 44  
Frank Peterson  
Clerk of Probate

0073 2415

**State of Minnesota,**  
County of Stearns

IN PROBATE COURT,

IN THE MATTER OF THE ESTATE OF

James Abner Spence

Decedent.

Order Granting Administration

The petition of Isabelle G. Mourning praying that letters of  
administration upon said estate be granted to Diana Spence  
came duly on for hearing at a Special Term of this Court, held on the  
3rd day of November 19 44. Said petitioner appeared  
in person and by her attorney, Charles H. Richter, 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 14th day of September, 19 44.

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

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

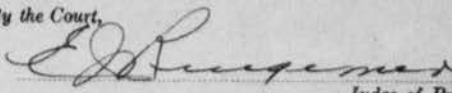
Therefore, It is ordered that said petition be granted and Diana Spence  
be and hereby is appointed administratrix of the estate of said decedent, and  
that letters of administration issue to her upon her filing the  
oath by law required and a bond in this Court in the penal sum of One Thousand and no/100

-----  
Dollars, with sureties to be approved by the Judge of this  
Court conditioned according to law.

By the Court,

Dated November 3rd, 19 44

(Court Seal)

  
Judge of Probate.

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

In the Matter of the Estate of

James Abner Spence*Decedent.***Order Granting Administration**Filed the 3rd day of  
November 1944Recorded in Book 75 of orderspage 186Frank Herzog  
Clerk ~~in~~ of Probate.

State of Minnesota,  
County of Stearns } ss.

## IN PROBATE COURT

In the Matter of the Estate of

James Abner Spence

## LETTERS OF ADMINISTRATION

Decedent.

Diana Spence

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

Now therefore, the said Diana Spence

is hereby appointed administrator of the estate of James Abner Spence

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 November 3rd, 1944 By the Court,



*L. J. Ferguson*  
Judge of Probate.



## IN PROBATE COURT

In the Matter of the Estate of

James Abner Spence

## LETTERS OF ADMINISTRATION

Filed this 3rd day of  
November, 1944 and  
recorded in Book J of Letters  
on page 349

*Frank Herzog*  
Clerk of Probate.

No. 9517\*

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,  
County of Stearns  
IN THE MATTER OF THE ESTATE OF  
James Abner Spence,

IN PROBATE COURT  
File No. 13,398

BOND

Decedent

Know All Men by These Presents, That we Diana Spence

as principal,  
and London & Lancashire Indemnity Company of America  
a corporation organized under the laws of the State of New York  
and holding the certificate of the Insurance Commissioner of the State of Minnesota showing that it is  
authorized to contract as surety upon bonds in said State of Minnesota, as surety, are held and firmly  
bound unto E. J. Ruegamer, as Judge of Probate of the County of  
Stearns, Minnesota, in the sum of One Thousand and no/100ths  
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, admin-  
istrators, successors, and assigns, firmly by these presents.

The Condition of This Obligation is Such, That if the above bounden Diana Spence  
who has been appointed repre-  
sentative of the estate of the above named, James Abner Spence, Deceased, shall well and  
faithfully discharge all the duties of her trust as representative of said estate according to law,  
then this obligation shall be void; otherwise it shall remain in full force and virtue.

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

Signed, Sealed and Delivered in Presence of

*[Signatures]*  
\* Mary Lianard  
\* Audrey Jane Clayton

Diana Spence (Seal)  
London & Lancashire Indemnity  
Company of America (Seal)  
By *[Signature]*  
Attorney in fact

### ACKNOWLEDGMENT OF PRINCIPAL

State of Minnesota,  
County of Hennepin  
On this third day of November, 1944, before me personally  
appeared Diana Spence, to me well known  
to be the person who executed the foregoing bond as principal, and she acknowledged  
that she executed the same for the uses and purposes herein expressed as her free act and  
deed.

Notary Public, CHARLES H. RICHTER, St. Cloud County, Minnesota.

My commission expires

Notary Public, Stearns County, Minn.

My Commission Expires July 6, 1948

### ACKNOWLEDGMENT OF SURETY

State of Minnesota,  
County of Hennepin  
On this Third day of  
November, 1944, before me appeared  
L. M. Haas, to me personally known, who being by me  
duly sworn, did say that she was Attorney in fact  
of London & Lancashire Indemnity Company of America  
to the foregoing instrument is the corporate seal of said corporation, and that said instrument was exe-  
cuted in behalf of said corporation by L. M. Haas, by authority of its Board of  
Directors; and the said L. M. Haas  
acknowledged said instrument to be the free act and deed of said corporation.

Notary Public, Mary S. Brown, Ramsey County, Minnesota.

My commission expires

Notary Public, Stearns County, Minn.

My Commission Expires April 13, 1950.

0073 2420



## APPROVAL

I hereby approve the within bond and the surety thereon, this third day of  
November, 19 44

*[Signature]*  
Probate Judge

## OATH OF REPRESENTATIVE

State of Minnesota, }  
County of Hennepin } ss.

I, Diana Spence

do swear that I will faithfully and justly perform all the duties of the office and trust which I now  
assume as representative of the estate  
of the above named James Abner Spence, Deceased,  
to the best of my ability and according to law, so help me God.

*Diana Spence*

Subscribed and sworn to before me this third  
day of November, 19 44

*[Signature]*  
Notary Public CHARLES H. RICHTER, St. Cloud Minn.  
Notary Public, Stearns County, Minn.  
My commission expires July 6, 1945, 19 44

File No. 13,398

State of Minnesota,

County of Stearns

PROBATE COURT

In the Matter of the Estate of

James Abner Spence,

Decedent

Bond and Oath of Representative  
(SURETY COMPANY FORM)

Filed the 3rd day of  
November, 19 44, and said  
bond recorded in Book 7 of

Bonds, page 146 of Probate  
Records.

*[Signature]*  
Clerk of Probate

State of Minnesota,

County of Stearns

IN PROBATE COURT

File No. 13,398

In the Matter of the Estate of James Abner Spence Deceased.

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

The Petition of Diana Spence  
of the County of Hennepin and State of Minnesota, respectfully shows  
and states that she is the widow of James Abner Spence  
late of the County of Stearns deceased. That said deceased died on the  
14 day of September, 1944. That on the 3  
day of November, 1944, Letters of Administration upon the  
Estate of said James Abner Spence  
were duly issued by this Court to Diana Spence  
of said County of Hennepin.

That the said deceased left surviving, your petitioner, who is his widow, and the following named  
children, viz.: Isabelle G. Mourning  
Louisa A. Mourning  
Wesley D. Spence,

all of legal age, of whom Isabelle G. Mourning, age 35,  
resides with your petitioner at Minneapolis, Minnesota.

That said children did reside with your petitioner in the  
of ~~at the County of~~  
State of ~~and that said children and~~ your petitioner constitute the  
family of said deceased.

That said family are entirely dependent upon said estate for their maintenance during the settle-  
ment of said estate. That the sum of \$ 100.00 per month is a reasonable sum for the support  
and maintenance of said family during the settlement of said estate.

Wherefore, Your petitioner prays that this Court issue its order allowing to said widow and  
children constituting the family of said deceased the sum of \$ 100.00 per month during the  
settlement of said estate.

Dated November 3, A. D. 1944  
Diana Spence

State of Minnesota,

County of

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

Diana Spence Diana Spence

Subscribed and sworn to before me this 3 day of November, A. D. 1944

My commission expires 19

CHARLES H. RICHTER, St. Cloud, Minn.  
Notary Public, Stearns County, Minn.  
My Commission Expires July 6, 1948

0073 2422

File No. 13,398

No. \_\_\_\_\_

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**IN PROBATE COURT,**

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

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**In the Matter of the Estate of**

James Abner Spence

*Deceased.*

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

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Filed this 3rd day of

November, A. D. 19 44

Frank Hervey

Clerk ~~Judge~~ of Probate.

State of Minnesota,

ss.

County of STEARNS

## IN PROBATE COURT

In the Matter of the Estate of

James Abner Spence

Decedent.

ORDER FOR MAINTENANCE OF FAMILY  
OF DECEDENT

The above entitled matter came on for consideration by the Court, upon the petition of Diana Spence, surviving spouse of said decedent, praying that an allowance be made for the support and maintenance of Decedent's family, during the settlement of said estate.

Said Petitioner appeared in person and by her attorney, Charles H. Richter, Esq., and Wesley D. Spence, in person and by his attorney, J. B. Pattison, Esq., appeared in opposition thereto, and the Court, having considered said petition, all the evidence produced for and against the same, the value and condition of said estate and the claims against the same so far as they can now be ascertained, and the circumstances and mode of life of said family, finds as follows:

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

Diana Spence, surviving spouse of decedent;

SECOND -- That the sum of Seventy Five Dollars (\$75.00) per month for the first six months and Fifty Dollars (\$50.00) per month thereafter

~~per month~~ is a reasonable and necessary sum for the support and maintenance of said family, during the settlement of said estate.

It is Therefore Ordered, That the sum of \$75.00 per month for first six months, ~~thereafter~~ <sup>& \$50.00</sup> per month ~~be~~, and the same hereby is, allowed for the support and maintenance of said family during the settlement of said estate; that said allowance commence on the first day of October 1944, and continue thereafter until said estate is settled, or until otherwise ordered by the Court; provided, however, that in case said estate is, or shall be ascertained to be insolvent, said allowance shall continue only for one year from the date administration is granted upon said estate; and provided further, that said allowance shall not continue after the distributive share of the heirs shall have been assigned to them.

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

Dated November 3rd, 1944

*E. J. Freigemeier*  
Probate Judge.



File No. 13,398

No. ....

## IN PROBATE COURT

County of Stearns

In the Matter of the Estate of

James Abner Spence  
Decedent.

Order for Maintenance of Family of  
Decedent During Settlement  
of Estate

Filed this 3<sup>rd</sup> day of  
November, A. D. 1944

Recorded in Book 80 of Orders on  
page 48.

Frank Herzog  
Clerk Judge of Probate.

5242 1100  
0073 2425

State of Minnesota,

County of Stearns

IN PROBATE COURT

File No. 13,398

In the Matter of the Estate of

James Abner Spence

Decedent.

INVENTORY AND APPRAISAL

Date of Death September 14, 1944

## OATH OF APPRAISERS

State of Minnesota,

County of Stearns

ss.

I, \_\_\_\_\_, and

do solemnly swear that I will honestly, faithfully and impartially perform all the duties of the office and trust which I now assume as appraiser of the estate of James Abner Spence, decedent to the best of my ability, So Help Me God.

Subscribed and sworn to before me this

day of November

1944

Notary Public, \_\_\_\_\_ County, Minn.

My commission expires \_\_\_\_\_, 19\_\_\_\_

(SEAL)

## INVENTORY AND APPRAISAL

The undersigned representative \_\_\_\_\_ of the estate of the above named decedent, represent \_\_\_\_\_ and show \_\_\_\_\_ 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 her possession and of which she 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 NONE, State of Minnesota, consisting of _____ acres in area described as follows, to-wit: (Give acreage)	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

0073 2426





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

[illegible]

**CLASS VI—All other Personal Property:**

(Here list Cash, Book Accounts, Annuities, Farm Crops, Machinery, etc.)	Specify Encumbrances and Respective Amounts	Net Value / Encumbrances
One 1938 5 passenger Buick Automobile Oregon license No. 250467 Motor No. 43568947	\$ 500.00 owed Carl R. Magnuson, secured by pledge of auto- mobile placed in his possession	\$
Cash in the sum of \$650.00 in Safety Deposit Box #15 at Guaranty State Bank & Trust Co., St. Cloud, Minnesota	none	
Cash in possession		
Total Value of All Other Personal Property		\$

## SUMMARY

The total value of all the real estate of decedent, as valued by the appraisers herein, is - - \$ .....

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

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

Respectfully submitted,

### 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 \_\_\_\_\_

Diana Spencer

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

Subscribed and sworn to before me this \_\_\_\_\_

day of November, A. D. 1914

Notary Public, \_\_\_\_\_ County, Minn.

My commission expires \_\_\_\_\_, 19\_\_\_\_  
(SEAL)

Representative

## CERTIFICATE OF APPRAISERS

State of Minnesota,

County of Stearns

Probate Court of Stearns

We, the undersigned appraisers, duly appointed by the

County, Minnesota, to appraise the estate of

James Abner Spence, Decedent, having first duly taken and subscribed the oath prescribed by law and hereto annexed, hereby certify and return, that we have carefully examined and considered the inventory of said estate delivered to us by the representative of said estate and the property therein described, and have faithfully and impartially and to the best of our knowledge and ability, appraised the said property, and set down opposite each item thereof in figures the value thereof in money, and have footed up by itself the amount and value of each class of said property, and of the whole of said estate.

Dated this \_\_\_\_\_ day of November, A. D. 1914

Appraisers.

File No. 13,396

State of Minnesota.

County of Stearns

PROBATE COURT

In the Matter of the Estate of

James A. Abner Spence

Decedent.

## Inventory and Appraisal

Total Personal - \$ \_\_\_\_\_

Total Real Estate - \$ \_\_\_\_\_

Total Appraisal - \$ \_\_\_\_\_

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

day of \_\_\_\_\_, 19\_\_\_\_

Deputy-Treasurer of  
County, Minnesota.Filed this \_\_\_\_\_ day of  
\_\_\_\_\_, A. D. 19\_\_\_\_

Probate Judge-Clerk

Attorney.

No. 3887\*

State of Minnesota, }  
County of Stearns } ss.

## IN PROBATE COURT

IN THE MATTER OF THE ESTATE OF

James Abner Spence

Decedent.

## Order Appointing Appraisers

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

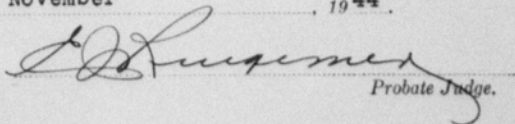
It is ordered that B. W. Fearing and

Sybil C. Daniel

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

Dated this 3rd day of November, 1944.

(PROBATE COURT SEAL)

  
Probate Judge.

0073 2430

No. 13,398

**IN PROBATE COURT**

IN THE MATTER OF THE ESTATE OF

**James Abner Spence**

*Decedent*

**Order Appointing Appraisers**

Filed November 3, 1944

*Frank Perry*  
Probate ~~clerk~~ Clerk.

0073 2431



State of Minnesota,

IN PROBATE COURT

County of Stearns

File No. 13,398

In the Matter of the Estate of

INVENTORY AND APPRAISAL

James Abner Spence

Date of Death September 14, 1944

Decedent.

## OATH OF APPRAISERS

State of Minnesota,

County of Stearns

I, B. W. FEARING, and

SYBIL C. DANIEL

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 James

Abner Spence

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

Subscribed and sworn to before me this

day of November

1944

Notary Public,

County, Minn.

My commission expires

(SEAL)

Notary Public, Stearns County, Minn.

My Commission Expires July 6, 1947

## INVENTORY AND APPRAISAL

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

That the following is a true and correct inventory of all the property of the above named estate, both real and personal, which has come into her possession and of which she 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 NONE, State of Minnesota, consisting of _____ acres in area described as follows, to-wit: (give acreage)	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		

0073 2432





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

[illegible]

**CLASS VI—All other Personal Property:**

(Here list Cash, Book Accounts, Annuities, Farm Crops, Specialty Machinery, etc.)	Specify Encumbrances and Respective Amounts	Net Value incl. Encumbrances
One 1938 15 passenger Buick Automobile <del>Oregon</del> 1944 license No. 250481 Motor No. 43568947	\$500.00 owed Carl R. Magnuson, secured by pledge of automobile placed in his possession	\$ 705.00
Cash in the sum of \$650.00 in Safety Deposit Box #15 at Guaranty State Bank & Trust Co., St. Cloud, Minnesota	none	\$ 650.00
Cash in possession of decedent \$97.00	none.	\$ 97.00
Total Value of All Other Personal Property		\$ 1452.00

## SUMMARY

The total value of all the real estate of decedent, as valued by the appraisers herein, is - - \$ NIL  
The total value of all the personal property of decedent, as valued by the appraisers herein, is \$ 1452.00  
The total value of the entire estate of decedent, as valued by the appraisers herein, is - - \$ 1,452.00

Respectfully submitted,

Diana Spence

### 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 \_\_\_\_\_

Diana Spencer

being duly sworn, on oath say s. that she is the representative of the estate above specified; that she has read the foregoing inventory subscribed by her 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 her possession or knowledge.

Subscribed and sworn to before me this

day of November

A. D. 1944

Diana Spence

Notary Public,

County, Minn.

Representative

My commission expires \_\_\_\_\_, 19\_\_\_\_

Notary (SEAL) \_\_\_\_\_, Minn.

My Commission Expires July 6, 1948

## CERTIFICATE OF APPRAISERS

State of Minnesota,

County of Stearns

We, the undersigned appraisers, duly appointed by the

Probate Court of Stearns

County, Minnesota, to appraise the estate of

James Abner Spence

Decedent, having first duly taken and subscribed the oath prescribed by law and hereto annexed, hereby certify and return, that we have carefully examined and considered the inventory of said estate delivered to us by the representative of said estate and the property therein described, and have faithfully and impartially and to the best of our knowledge and ability, appraised the said property, and set down opposite each item thereof in figures the value thereof in money, and have footed up by itself the amount and value of each class of said property, and of the whole of said estate.

Dated this

thirteenth

day of

November

A. D. 1944

By *BA Daniel*  
 Sybil C. Daniel

Appraisers.

File No. 13,398

State of Minnesota,

County of Stearns

PROBATE COURT

In the Matter of the Estate of

James Abner Spence

Decedent.

## Inventory and Appraisal

Total Personal	- \$ 1,452.00
Total Real Estate	- \$ Nil
Total Appraised	- \$ 1,452.00

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

day of \_\_\_\_\_, 19\_\_\_\_

Deputy-Treasurer of

County, Minnesota.

Filed this 3rd day of

November, A. D. 1944

*Frank H. Hertzberg*  
 Probate Judge

Clerk

Attorney.

No. 5527

STATE OF MINNESOTA

County of **Stearns**

## IN PROBATE COURT

In the Matter of the Estate of

**James Abner Spence**

Decedent

INHERITANCE TAX RETURN

Date of death **September 14, 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** (See Schedule I)

## 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**

Estate of James Abner Spence, deceased

**SCHEDULE I**  
**PROPERTY HELD IN JOINT TENANCY**

Note:—See instructions on inside cover page. Answer all questions fully.

List property in the following order: (1) Real estate; (2) Furniture and household goods; (3) Wearing apparel; (4) Corporation stocks (under description identify by certificate numbers and give class of stock and par value and price per share); (5) Mortgages, Bonds, Notes and other Written Evidences of Debts (under description give name of debtor, bond number, rate of interest, maturity date, price per hundred); (6) All other Personal Property.

Date of transfer to joint tenants	Description	Surviving joint tenant	Relationship to decedent	Liens or encumbrances, etc.	Value at date of death	County Assessor's true and full value of real estate as of date of death
	The decedent and Carl R. Magnuson had rented Safety Deposit Box #15 at the Guaranty State Bank & Trust Co. of St. Cloud, Minnesota, on May 8, 1944 placing in the name of "James Abner Spence or Diana or Carl R. Magnuson", of which said box was opened and examined September 22, 1944; the property therein contained was not owned by the deceased in joint tendency; amount of the property in said Safety Deposit Box of the decedent was \$650.00 cash and no more.				\$	\$
5-6-41	Lots 5 & 6, Block 4, & W. Park Str. (vacated), Lake Side Park, Twp Rockville, Stearns Co. Minn.	Diana Spence	Widow	None	\$1500.00	\$1220
?	U.S. Series E bond L 76 965 494 E	Mrs. Diana Spence	Widow		\$37.50	----
	Total			\$	\$	\$

8873 2438



# 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) Diana Spence

(Address) 3705 Bloomington Avenue  
Minneapolis 7, Minnesota

Subscribed and sworn to before me this

3rd day of  
November, 1944

Charles H. Richter

CHARLES H. RICHTER, St. Cloud, Minn.  
Notary Public, Stearns County, Minn.  
My Commission Expires July 6, 1948

File No. 13,898

STATE OF MINNESOTA

County of Stearns

Re: Estate of

James Oliver Spence  
Decedent.

INHERITANCE TAX RETURN

Filed

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.

0073 2440

STATE OF MINNESOTA

County of Stearns

## IN PROBATE COURT

In the Matter of the Estate of

James Abner Spence

Decedent

INHERITANCE TAX RETURN

Date of death September 14, 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.)

0073 2441

# 2442 EL00 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 (See Schedule I)

## 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



Estate of James Abner Spence, deceased

**SCHEDULE I**  
**PROPERTY HELD IN JOINT TENANCY**

Note:—See instructions on inside cover page. Answer all questions fully.

List property in the following order: (1) Real estate; (2) Furniture and household goods; (3) Wearing apparel; (4) Corporation stocks (under description identify by certificate numbers and give class of stock and par value and price per share); (5) Mortgages, Bonds, Notes and other Written Evidences of Debts (under description give name of debtor, bond number, rate of interest, maturity date, price per hundred); (6) All other Personal Property.

Date of transfer to joint tenants	Description	Surviving joint tenant	Relationship to decedent	Liens or encumbrances, etc.	Value at date of death	County Assessor's true and full value of real estate as of date of death
	The decedent and Carl R. Magnuson had rented Safety Deposit Box #15 at the Guaranty State Bank & Trust Co. of St. Cloud, Minnesota, on May 8, 1944 placing in the name of "James Abner Spence or Diana or Carl R. Magnuson", of which said box was opened and examined September 22, 1944; the property therein contained was not owned by the deceased in joint tendency; amount of the property in said Safety Deposit Box of the decedent was \$650.00 cash and no more.				\$	\$
5-6-41	Lots 5 & 6, Block 4, & W <sup>st</sup> Park Str. (vacated), Lake Side Park, Twp Rockville, Stearns Co. Minn.	Diana Spence	Widow	None	\$1500.00	\$1220
7	U.S. Series E bond L 76 965 494 E	Mrs. Diana Spence	Widow		\$37.50	----
	Total			\$	\$	\$

0073 2443



# 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) Diana Spence

(Address) 3705 Bloomington Avenue  
Minneapolis 7, Minnesota

Subscribed and sworn to before me this

3rd day of

November, 1944.

Charles H. Richter

CHARLES H. RICHTER, St. Cloud, Minn.  
Notary Public, Stearns County, Minn.  
My Commission Expires July 6, 1948

August 5, 1939.

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

File No. 13.398

STATE OF MINNESOTA

County of Stearns

Re: Estate of

James Abner Spence  
Decedent.

INHERITANCE TAX RETURN

Filed November 4 - 1944  
Frank Denoy  
Clerk of Probate Court.

Name.....

Address.....  
Attorney.

0073 2445

STATE OF MINNESOTA )  
COUNTY OF STEARNS ) ss

IN PROBATE COURT  
FILE NO. 13,398

-----  
In the Matter of the Estate of ) PETITION FOR ADJUDICATION OF  
JAMES ABNER SPENCE, Deceased ) ESTATE RIGHTS  
CONTENTS OF SAFETY DEPOSIT BOX  
-----

Your petitioner, Diana Spence, respectfully shows to the court:

1. That your petitioner is the duly appointed, qualified and acting administratrix of the estate of the above named decedent.

2. That on May 8, 1944, the decedent and Carl R. Magnuson rented Safety Deposit Box number 15 at the Guaranty State Bank and Trust Co., of St. Cloud, Minnesota and executed a Safety Deposit Box agreement whereby said box was placed in the names of "James Abner Spence or Diana, or Carl R. Magnuson", and continued his interest in said safety deposit box up to the time of his death.

3. That said decedent did not possess a key to said box at the time of his death, and that said keys were both in the possession of the other persons named as holders thereof.

4. That said box was opened under the supervision of the court and in the presence of the County Treasurer by said bank with the consent of Carl R. Magnuson on September 22, 1944 and the return upon the official Department of Taxation form duly filed in this court is hereby incorporated into this petition by reference.

5. That of said property, so listed in said report, the decedent owned \$650.00 cash; that \$650.00 of the remaining cash was and is the individual property of Diana Spence, and that \$1,500.00 of the remaining cash was and is the property of Carl R. Magnuson; that one Series E \$50.00 U.S. Bond # L 76 965 494 E had been purchased by the decedent and was payable to the decedent or Mrs. Diana Spence, and was the only

property <sup>therein</sup> held in joint tenancy by the decedent and his spouse.

6. That all other property in said Safety Deposit Box consisted of evidences of real estate ownership by the decedent and his spouse as joint tenants, ownership of bonds by Carl R. Magnuson and his mother, Diana Spence, as joint tenants, and a Government Insurance Policy issued to said Carl R. Magnuson.

7. That said Guaranty State Bank and Trust Co. has required a joint receipt from all parties in interest in said box, and that your petitioner proposes to effect a division of said property at the time of obtaining said property by the execution of a signed agreement whereby said estate will receive \$550.00 cash from and out of said property, and that all other property will be surrendered to Diana Spence and Carl R. Magnuson for division between them as they may deem fit.

WHEREFORE, your petitioner prays that the court authorize your petitioner to enter into an agreement releasing to Diana Spence and Carl R. Magnuson all of the property contained in said box upon the receipt of \$550.00 cash out of the same.

Dated November 3rd, 1944

Diana Spence  
Administratrix



*Charles H. Richter*

CHARLES H. RICHTER, Attorney for Representative  
St. Cloud, Minnesota

STATE OF MINNESOTA )

COUNTY OF STEARNS )

ss

DIANA SPENCE, being duly sworn on oath says that she is the petitioner named in and who executed the foregoing petition; that she has read the same and knows the contents thereof; that the same is true of her own knowledge, except as to matters therein alleged on information and belief, and as to those matters that she believes it to be true.

*Diana Spence*

Subscribed and sworn to before me this 3d day of November, 1944

*Charles H. Richter*

CHARLES H. RICHTER, St. Cloud, Minn.  
Notary Public, Stearns County, Minn.  
My Commission Expires July 6, 1948



STATE OF MINNESOTA  
COUNTY OF STEARNS  
IN PROBATE COURT.

IN THE MATTER OF THE ESTATE OF  
JAMES ABNER SPENCE, DECEDENT.

PETITION FOR ADJUDICATION OF  
ESTATE RIGHTS

CONTENTS OF SAFETY DEPOSIT  
BOX.

Filed this 4th day of

November, 1944.

*Frank H. Hering*  
Clerk of Probate

STATE OF MINNESOTA }

COUNTY OF STEARNS }

ss

IN PROBATE COURT

FILE NO. 13,398

In the Matter of the Estate of }

JAMES ARNER SPENCE, Deceased }

PETITION FOR ADJUDICATION OF  
ESTATE RIGHTS

PLEDGEE LIEN ON AUTOMOBILE

Your petitioner, Diana Spence, respectfully shows to  
the court:

1. That your petitioner is the duly appointed, qualified  
and acting administratrix of the estate of the above named  
decendent.

2. That at the time of his death the decedent was the  
registered owner of one 1936 five-passenger Buick automobile,  
Motor # 43568947, Oregon 1944 license # 250487.

3. That at the time of the death of the decedent, said  
automobile was in the possession of Carl R. Magnuson.

4. That said Carl R. Magnuson claims that he has a  
lien as a pledgee upon said automobile to secure re-payment  
to him of the sum of \$500.00 advanced by him to said decedent  
and that said indebtedness is wholly and entirely unpaid.

5. That your petitioner believes that the claims of  
said Carl R. Magnuson are just and true, and actually based  
and founded on fact.

6. That your petitioner is required to make a decision  
whereby she will recognize said pledgee lien or contest the  
same and desires the findings of the court thereon.

WHEREFORE, your petitioner prays that the court make  
its order herein authorizing the claims of said Carl R. Magnuson  
for the sum of \$500.00 as a pledgee lien against said auto-  
mobile, and to effect the payment of the same and the release  
of said automobile therefrom by such means as may be available

to your petitioner.

Dated November 3rd, 1944

Diana Spence  
Administratrix

Charles H. Richter  
CHARLES H. RICHTER, Attorney for Petitioner  
St. Cloud, Minnesota

STATE OF MINNESOTA     )  
                                  ) ss  
COUNTY OF STEARNS     )

DIANA SPENCE, being duly sworn on oath says that she is the petitioner named in and who executed the foregoing petition; that she has read the same and knows the contents thereof; that the same is true of her own knowledge, except as to matters therein alleged on information and belief, and as to those matters that she believes it to be true.

Diana Spence

Subscribed and sworn to before me this 3rd day of November, 1944

Charles H. Richter

CHARLES H. RICHTER, St. Cloud, Minn.  
Notary Public, Stearns County, Minn.  
My Commission Expires July 6, 1948



STATE OF MINNESOTA.  
COUNTY OF STEARNS.

SS.

IN PROBATE COURT.

In the matter of the Estate of  
James Abner Spence, Decedent.

OBJECTIONS OF WESLEY D. SPENCE

Wesley D. Spence for his objections to the granting of the petitions of Diana Spence for an order authorizing her as administratrix of the estate of the above named decedent to pay the claim of Carl R. Magnuson for \$500.00 claimed to be secured by the pledge of decedent's automobile, and also to authorize said petitioner to release property to Diana Spence and Carl R. Magnuson, and alleges:

1. That he is one of the heirs at law of said decedent and as such has an interest in the property of said estate, including the property proposed to be disposed of in the manner petitioned for.


2. That said decedent was at the time of his death owner of the automobile described in said petition, and denies that the said Carl R. Magnuson was in possession of said automobile at the time of decedent's death, and also denies that said automobile was ever pledged by said decedent to the said Carl R. Magnuson.

3. Alleges that the decedent and Carl R. Magnuson had a safety deposit box at the Guaranty State Bank and Trust Company of St. Cloud, and that the same was kept in the names of said decedent, Diana Spence and Carl R. Magnuson, in which there were deposited some bonds owned by Carl R. Magnuson and the cash listed on the inventory which was the property of said decedent; and further alleges that the decedent had a key to said box at the time of his death which passed into the hands of other persons on his death, and alleges that said decedent was the owner of all of the money contained in said safety deposit box at the time of his death.

4. Alleges that this Court is without power or jurisdiction to determine the matters in question in the form presented, and that the said Carl R. Magnuson and Diana Spence should be required to present their claims, if any they have in the manner prescribed by law.

Wherefore, the said Wesley D. Spence prays that the petitions of the said Diana Spence, administratrix of the estate of said decedent, be denied.

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

  
Attorney for Wesley D. Spence



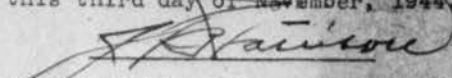
State of Minnesota.

ss.

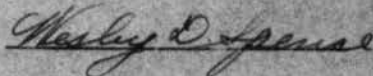
County of Stearns.

Wesley D. Spence, being duly sworn, says that he is the person who made and subscribed the foregoing answer and objections; that he has read the same and knows the contents thereof, and that the same is true of his own knowledge.

Subscribed and sworn to before me  
this third day of November, 1944.

  
Notary Public, Stearns County, Minn.

My commission expires March 14, 1950.





Original

State of Minnesota,  
County of Stearns.  
In Probate COURT

In the matter of the  
Estate of James Abner  
Spence, Decedent.

Plaintiff

vs.

Defendant

OBJECTIONS OF WESLEY D.  
SPENCE.

Due and personal service of the  
within objections

admitted this 11 day of  
November, 19 44.

Charles H. Frantz  
Attorney for Representative  
and Petitioner.

J. B. PATTISON  
Attorney for Wesley D. Spence.  
ZAPP STATE BANK BUILDING  
ST. CLOUD, MINNESOTA

OSWALD PUBLISHING CO., NEW ULM, MINN.

STATE OF MINNESOTA

AFFIDAVIT OF PERSONAL SERVICE BY INDIVIDUAL

County of

on oath says that at the  
in said County and State, on the day of 19

he served the within summons and complaint upon  
the defendant, therein named, personally, by then and there handing to and leaving with him  
true and correct copy of said summons and  
and that the person upon whom the service was made

was to this affiant well known to be the person or party upon whom such service was directed to be made.

Subscribed and sworn to before me this day of 19

Notary Public, County, Minn.

My commission expires

4562 EL00

State of Minnesota, } ss.  
County of Stearns }

IN PROBATE COURT.  
File 13,398

In the Matter of the Estate of

JAMES ABNER SPENCE  
Decedent.

PETITION FOR SETTING APART HOMESTEAD  
AND PERSONAL PROPERTY

Your Petitioner

represent S and state S to the court:

FIRST—That your petitioner is the widow of decedent

SECOND—That said decedent left surviving him his (1)  
spouse your petitioner. (2)  
(3)

THIRD—That said decedent, at the time of death, was the owner of a homestead which he occupied as such to the time of death; and which consists of tract or parcel of land lying in the County of State of Minnesota, described as follows, to-wit:  
None

FOURTH—That your petitioner hereby select S the following described personal property of said decedent to be set apart and allowed to her as the surviving spouse of decedent,  
to-wit:

Household Furniture of said decedent of the description and appraised value following, to-wit:

No household furniture owned by decedent; any household furniture used by him was the property of petitioner

All the wearing apparel of decedent

Other personal property of decedent of the description and appraised value following, to-wit:

One 1938 Buick Automobile, Motor #43568947, 1944 Oregon License No. 250487, appraised at \$705.00, upon which was a pledge of \$500.00 in favor of Carl R. Magnuson, now paid by the representative to said Carl R. Magnuson, petitioner hereby selecting the first \$500.00 out of said automobile, and requesting that her maintenance allowance be taken out of the surplus \$205.00, so far as the same will be applicable thereto.

Your petitioner therefore pray s that the homestead of said decedent described be, by the order of this court, set apart to her

as the surviving spouse of said decedent; and that the personal property above selected be, by the order of this court, set apart and allowed to said surviving spouse, Diana Spence,

as the surviving spouse of said decedent.

Diana Spence

Petitioner

State of Minnesota,

County of Stearns

ss.

Diana Spence

being duly sworn, on oath say, that she is the person who made and signed the foregoing petition, that she has read the same and know the contents thereof, and that the same is true of her own knowledge, except as to those matters therein stated on information and belief, and as to those matters she believe it to be true.

Diana Spence

Subscribed and sworn to before me this 21 day of November 1944.

Charles H. Richter

Notary Public.  
CHARLES H. RICHTER, St. Cloud Minn.  
Notary Public, Stearns County, Minn.

My commission expires 19 My Commission Expires July 6, 1948

- Note (1) Insert "Him his" or "Her her" or "Him no" or "Her no," as the case may be.  
Note (2) In case there is a spouse, insert "your petitioner."  
Note (3) In case decedent left no spouse, but left children, insert "but left surviving \_\_\_\_\_ children, whose names and ages are as follows, to-wit;" then follow with the names and ages, after which add "your petitioners," if they are of age; if not of age, add "who are minors and for whom your petitioner is guardian."

No. 13,398

IN PROBATE COURT,

County of Stearns

In the Matter of the Estate of

James Abner Spence

Decedent.

Petition for Setting Apart Homestead and Personal Property

Filed the 21st day of  
November, A. D. 1944  
Frank Hergert  
Clerk—Judge of Probate

STATE OF MINNESOTA }  
COUNTY OF STEARNS } SS

IN PROBATE COURT

FILE No. 13,398

In the Matter of the Estate of }  
JAMES ABNER SPENCE, Deceased. } PETITION FOR SUMMARY  
DISTRIBUTION WITH FINAL  
ACCOUNT.

Your petitioner respectfully shows to the Court and alleges:

1. That she is the representative of the estate of the above named decedent.

2. That heretofore Wesley D. Spence had been appointed as special administrator of said estate, and that as such he did not take into his possession any of the assets of said estate; that he has not been discharged as such, has not filed an inventory, and that his position as such special administrator in no manner affects the general administration herein.

3. That petitioner as such representative has fully administered said estate; that said estate contains no property except such as is exempt from all debts and charges in the probate court, and such as may be appropriated for the payment of the allowances to the spouse, expenses of administration, funeral expenses, expenses of last illness, debts have preference under the laws of the United States and taxes.

4. That your petition has in all things complied with the orders of this court in said matter and with the law relating thereto.

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

RECEIPTS

Personal property described in the inventory \$1,452.00

TOTAL RECEIPTS \$1,452.00

DISBURSEMENTS

I. FAMILY

Personal property selected by and turned over to the surviving spouse

\$500.00 ✓

Allowable to family of decedent, as a minimum

750.00 ✓

TOTAL

\$1250.00 150.00 ✓

II. EXPENSES OF ADMINISTRATION

Cash paid appraisers for service (no charge)

0.00 ✓

Cash paid for publication of orders

4.32 ✓

Expenses of representative, bond premium \$10, letters \$1

10.00 ✓

Fees of attorney

100.00 ✓

TOTAL

\$114.32

III. EXPENSES OF LAST SICKNESS

St. Cloud Hospital, care of decedent

12.50 ✓

St. Cloud Clinic, Dr. H.B. Clark, medical services to dec.

10.00 ✓

22.50

IV. FUNERAL EXPENSES

Undertaker, Joe Billman Mortuary

\$285.00 ✓

Total

\$285.00

V. SECURED CREDITORS PAID

Paid Carl R. Magnuson, pledgee's lien on automobile

\$500.00 ✓

Total

\$500.00

# RECAPITULATION

Total receipts from all sources		\$1452.00
DISBURSEMENTS:		
I. Family	<del>\$1250.00</del>	
II. Expenses of Administration	115.32	
III. Expenses of last sickness	32.60	
IV. Funeral expenses	285.00	
V. Secured creditor	500.00	
TOTALS	<del>\$2173.92</del>	<u>\$1452.00</u>
	1452.00	
Deficit in estate	<u>\$720.92</u>	

6. That there remains in said estate for distribution no property or assets of any kind.

7. That it is for the best interests of said estate that it be closed summarily, and that it is proper that the same be closed without notice, upon the basis of all of the proceedings heretofore had herein.

WHEREFORE, your petitioner prays that the Court hear this petition forthwith, examine the final account of your petitioner, settle and allow the same, and that in due course your petitioner and the surety upon her bond be discharged herein.

Dated November 21, 1944.

Diana Spence  
Petitioner.

State of Minnesota }  
County of Stearns } ss

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

Diana Spence

Subscribed and sworn to before me this 21st day of November, 1944.

Charles H. Richter

CHARLES H. RICHTER, St. Cloud, Minn.  
Notary Public, Stearns County, Minn.  
My Commission Expires July 6, 1948



STATE OF MINNESOTA  
COUNTY OF STEARNS

PROBATE COURT

---

In the Matter of the Estate of

JAMES ABNER SPENCE,

Deceased.

---

FINAL ACCOUNT AND PETITION FOR  
SUMMARY SETTLEMENT

---

FILED THIS 21st DAY  
OF Nov A.D. 19 44  
Frank A. Rydz  
Clerk of Probate

CHARLES H. RICHTER  
Attorney for Petitioner  
St. Cloud, Minnesota.

STATE OF MINNESOTA )  
COUNTY OF STEARNS )

ss

IN PROBATE COURT  
FILE NO. 13,398

In the Matter of the Estate of )  
JAMES ABNER SPENCE, Deceased )

ORDER CONCERNING LIEN ON  
AUTOMOBILE

The above entitled matter came before the undersigned Judge of said Court at the Probate Court Rooms in the Court House in the city of St. Cloud, Minnesota, on the \_\_\_\_ day of October, 1944, upon the attached petition of the administratrix of said estate for a determination of the rights of estate as to the automobile of the decedent, and of the claims of Carl R. Magnuson to a lien of \$500 thereon based upon a pledge of said automobile to him by delivery of possession, the administratrix appearing in person and by her attorney, Charles R. Richter, Esq., and the claimant Carl R. Magnuson, appearing by his attorney Arthur C. Johnston, Esq.,

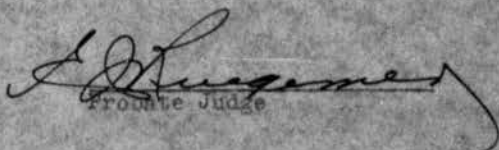
And the respective parties having presented to the Court evidence regarding the matters in said petition set forth, and the Court being duly advised in the premises, this court finds that the decedent did own one 1938 five passenger Buick automobile, Motor No. 43563947, Oregon 1944 License No. 250487, but that he had delivered the possession thereof to Carl R. Magnuson prior to the date of his death as security for an indebtedness of said decedent to said Carl R. Magnuson, and that the sum of \$500.00 remains unpaid and owing at this date; now, therefore,

IT IS HEREBY ORDERED that the representative of the said estate of James Abner Spence, Deceased, shall recognize the existence and validity of the pledgee's lien claim of Carl R.

Magnuson in the sum of \$500.00 upon the automobile of the decedent above described, and that she may effect the release of said automobile therefrom by payment or may transfer said automobile subject to the said pledgee's lien upon receipt by her of credit for the value of the equity in said automobile.

Dated Dec 2, 1944.

By the Court,

  
Probate Judge



13.398

STATE OF MINNESOTA )

COUNTY OF STEARNS ) ss

IN PROBATE COURT

FILE NO. 13,398

In the Matter of the Estate of  
JAMES ABNER SPENCE,  
Deceased

~~DEEDS AND~~ ORDER  
DETERMINING PLEDGEE'S  
LIEN ON AUTOMOBILE

Filed This 5th Day of Dec.  
194 4, and Recorded in Book 83  
on Page 424 thereof.  
Frank Krzog  
Clerk of Probate

2962-2462

STATE OF MINNESOTA )  
COUNTY OF STEARNS ) ss

IN PROBATE COURT  
FILE NO. 13,398

-----  
In the Matter of the Estate of ) ORDER AUTHORIZING COMPROMISE  
JAMES ABNER SPENCE, Deceased ) OF CLAIM TO SAFETY DEPOSIT BOX  
CONTENTS  
-----

The above entitled matter came before the undersigned Judge of said Court at the Probate Court Rooms in the Court House in the city of St. Cloud, Minnesota, on the 21<sup>st</sup> day of November, 1944, upon the attached petition of the administratrix of said estate for leave to compromise the claim of said estate to the contents of safety deposit box held in joint tenancy by the decedent with others; said administratrix appeared in person and by her attorney, Charles H. Richter, Esq., and Carl R. Magnuson, the surviving joint tenant of said safety deposit box, appeared by his attorney, Arthur C. Johnston, Esq., and there was no other appearance;

And the respective parties having presented to the Court evidence regarding the matter in said petition, and the Court being duly advised in the premises, this Court finds that on May 3, 1944 said Carl R. Magnuson and the decedent rented safety deposit box number 15 at the Guaranty State Bank and Trust Co., in St. Cloud, Minnesota upon an agreement in writing whereby said box was placed in the names of "James Abner Spence or Diana, or Carl R. Magnuson" and that said box was so held at the time of the decedents death; that the decedent did not have in possession, at the time of his death, either of the two keys issued by said bank for said box; that the contents of said safety deposit box indicate that the individual property of the joint tenancy owner lessees was placed therein; that at the time of the death of the decedent, said box contained two



bundles of currency, one in the sum of \$1,300.00 and the other in the sum of \$1,500.00, and that half of the \$1,300.00 was the property of the decedent and half of said \$1,300.00 was the property of Diana Spence and that the \$1,500.00 bundle of currency was the property of Carl R. Magnuson; now, therefore,

IT IS HEREBY ORDERED that the representative of the said estate of James Abner Spence, Deceased, be, and she hereby is, authorized to compromise the claims of said estate to the contents of said safety deposit box by releasing all of the property therein to the other parties in interest upon the receipt by her as administratrix of the sum of \$650.00 in cash.

Dated December 5th 1944

By the Court,

A. D. Simpson  
Probate Judge

13.398

STATE OF MINNESOTA )  
COUNTY OF STEARNS )

IN PROBATE COURT

FILE NO. 13,398

In the Matter of the Estate of  
JAMES ABNER SPENCE,  
Deceased.

~~PETITION AND ORDER~~  
AUTHORIZING AGREEMENT  
ON SAFETY DEPOSIT BOX  
CONTENTS

Filed This 5<sup>th</sup> Day of Dec  
1944, and Recorded in Book 13  
on Page 474 thereof.  
Frank Perry  
Clerk of Probate

0073 2465

STATE OF MINNESOTA }  
COUNTY OF STEARNS }

ss

IN PROBATE COURT.

-----  
In the Matter of the Estate of }  
James Abner Spence, Decedent. } ORDER SUMMARILY CLOSING ESTATE.  
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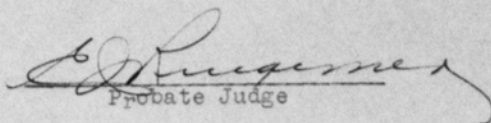
The above entitled matter came on to be heard on the 5th day of December, 1944, being a hearing on the final account of the representative and her petition for summary settlement.

And it appearing from said final account and petition that all of the property of said estate was allocated to the payment of expenses of administration, last sickness and funeral of decedent, and payment of a secured claim, and that there is no property remaining for distribution,

IT IS HEREBY ORDERED, That said estate of James Abner Spence, deceased, be, and the same is hereby closed, and that the representative be discharged by a further order of this court.

Dated at St. Cloud, Minnesota, this 5th day of December, 1944.

By the Court:

  
Probate Judge



13,398

STATE OF MINNESOTA  
COUNTY OF STEARNS  
IN PROBATE COURT.

IN THE MATTER OF THE ESTATE OF  
JAMES ABNER SPENCE, DECEDENT.

ORDER SUMMARILY CLOSING ESTATE

Filed this 5th day of  
December, 1944, and recorded  
in Book..23.... on Page..274  
thereof.

Frank Hergoy  
Clerk of Probate

0073 2467

State of Minnesota,

County of Stearns

ss.

IN PROBATE COURT.

In the Matter of the Estate of

James Abner Spence

Decedent.

ORDER ALLOWING FINAL ACCOUNT.

The above entitled matter came on to be heard on the 5th day of December 1944, upon the petition of the representative of the above named estate praying for the allowance of his final account and distribution of the residue of said estate.

The said representative appeared in person and by her attorney, Charles H. Richter, Esq.

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 day of 19, in the

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	\$ 1452.00
Personal estate omitted from the inventory	\$
Gain by sales above appraised value	\$
Cash from sales of real estate	\$
Cash from rent of real estate	\$
Cash from interest and profits	\$
Cash from other sources	\$
Deficit	\$ 120.92
Total receipts from all sources	\$ 2172.92

## DISBURSEMENTS AND CREDITS

Estate selected for surviving spouse	\$ 500.00
Maintenance of family of decedent	\$ 150.00
Expenses of administration	\$ 115.32
Expenses of last sickness	\$ 22.60
Funeral expenses	\$ 285.00
Taxes	\$
Claims of creditors of decedent (Secured)	\$ 500.00
Legacies	\$
Residue on hand for distribution	\$ none
Total credits	\$ 2172.92



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 December 5th, 1942

By the Court,

*[Signature]*  
Probate Judge.

No. 13,398

State of Minnesota,

County of Stearns

PROBATE COURT.

In the Matter of the Estate of

James Abner Spence

Decedent

Order Allowing Final Account.

Filed this 5th day of  
December, 1944, and  
recorded in Book No. 18 of Orders,  
on Page 225

*[Signature]*  
Clerk-Judge of Probate.

No. 3504

STATE OF MINNESOTA }  
COUNTY OF STEARNS } ss -

IN PROBATE COURT.

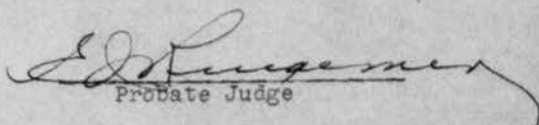
-----  
In the Matter of the Estate of }  
James Abner Spence, Decedent. } ORDER DISCHARGING REPRESENTATIVE.  
-----

The final account of Diana Spence as representative of the above entitled estate, having been filed, examined, adjusted and allowed, by this Court, and the Court having made its order adjusting and allowing said final account, dated and filed herein the 5th day of December, 1944, and being satisfied by competent evidence and an examination of the files and records in said matter that said representative has complied with all orders of the Court in said matter, and there being no residue of property of said estate remaining for distribution,

IT IS ORDERED, That said representative and the sureties on her bond, be, and they hereby are discharged from any and all further duties and liabilities in said matter and by reason of said trust.

Dated at St. Cloud, Minnesota, this 20th day of December, 1944.

By the Court:

  
Probate Judge

13,398

STATE OF MINNESOTA  
COUNTY OF STEARNS  
IN PROBATE COURT.

IN THE MATTER OF THE ESTATE OF  
JAMES ABNER SPENCE, DECEDENT.

ORDER DISCHARGING REPRESENTATIVE

Filed this 20th day of  
December, 1944, and recorded  
in Book...*83*....on Page...*478*..  
thereof.

*Frank H. Hoyer*  
Clerk of Probate

0073 2471

STATE OF MINNESOTA }  
COUNTY OF STEARNS }

ss

IN PROBATE COURT.

In the Matter of the Estate of } ORDER ALLOWING FINAL ACCOUNT  
James Abner Spence, Decedent. } AND DISCHARGING SPECIAL  
ADMINISTRATOR.

Wesley D. Spence, as special administrator of the above entitled estate, having reported to this court in writing that he has not collected any personal property of said decedent, and that no personal property of said decedent came into his possession; and that the general administrator of said estate took and is in possession of all personal property of said estate as shown by the inventory on file in this court.

That he has collected no rents or other income from and belonging to said estate, and has not sold any personal property of said estate; that he makes no claim for any disbursements made by him as such special administrator as he has made a settlement of the same and other matters with the general administrator.

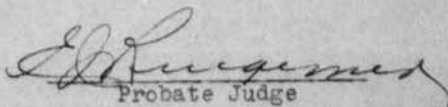
And it appearing to the Court that said report should be accepted by the Court as the final account of said special administrator of said estate, and that the same should be allowed as his final account, and the special administrator and the sureties on his bond discharged and released.

IT IS THEREFORE ORDERED, That said report be, and the same hereby is, allowed as and for the final account of the special administrator.

IT IS FURTHER ORDERED, That Wesley D. Spence and the sureties on his bond in the matter of said special administration be, and they hereby are discharged from any and all further duties and liabilities in said matter.

Dated at St. Cloud, Minnesota, this 6th day of December, 1944.

By the Court:

  
Probate Judge



STATE OF MINNESOTA  
COUNTY OF STEARNS  
IN PROBATE COURT.

IN THE MATTER OF THE ESTATE OF  
JAMES ABNER SPENCE, DECEDENT.

ORDER ALLOWING FINAL ACCOUNT  
AND  
DISCHARGING SPECIAL ADMINISTRATOR.

Filed this 6th day of  
December, 1944, and recorded  
in Book... 23.... on Page. 475.  
thereof.

Frank Herzog  
Clerk of Probate



State of Minnesota,  
County of Stearns.

# IN PROBATE COURT.

IN THE MATTER OF THE ESTATE OF

James Abner Spence,

Decedent.

Final Account and Report of Special Administrator.

Your petitioner, Wesley D. Spence, respectfully represents and shows to the court:

FIRST—That letters of special administration of the above named estate were to him issued on the 20th day of September, 1944.

SECOND—That he has ~~collected all the personal property of said decedent~~ not collected any personal property of said decedent, and that no personal property of said decedent came into his possession; and that the general administrator of said estate took and is in possession of all personal property ~~and preserved all the property of said decedent for the general administration of said estate and made of said estate as shown by her inventory since filed in this court.~~ ~~and filed in this court on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_~~  
~~and preserved all the property of said decedent for the general administration of said estate and made of said estate as shown by her inventory since filed in this court.~~

THIRD—That petitioner has collected no rents or other income from and belonging to said estate, and has not sold any personal property of said estate; that he makes no claim for any disbursements made by him as such special administrator as he has made a settlement of the same and of other matters with the general administrator.

FOURTH—That under and by leave of the court, he has sold the following described personal property of said decedent and collected and received therefor the following sums, to-wit:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Total receipts from sales \$ \_\_\_\_\_

FIFTH—That he has collected and received other sums due said decedent from other sources as follows:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Total amount collected other than from sales \$ \_\_\_\_\_

Total of all receipts - - - - - \$ \_\_\_\_\_

SIXTH—That he has necessarily paid out and expended in administering said estate and owing for the same, the following amounts for the following purposes:

	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
Total Expenses.	\$
Total Receipts,	\$
Balance - - - \$	\$

SEVENTH—That under and by leave of the court, he took charge of the real property of said decedent, and

*EIGHTH—That he has done all things necessary for the preservation of the estate of said decedent, has preserved the same, and is ready to deliver all of the same, except that part thereof sold as aforesaid, to the general representative of said estate, to-wit:.....*  
*who has been appointed, has qualified, and is ready to receive the same.*

Wherefore Your Petitioner Prays, That this his account and report be considered by the court examined, adjusted and approved; and for the order of this court approving the same and directing him ~~to~~ directing him ~~to~~ THAT HE BE ~~to~~ DISCHARGED AS SUCH SPECIAL ~~to~~ representative of said estate., and that the sureties on his bond be exonerated,

State of Minnesota, } ss. Wesley D. Spence,  
County of Stearns. }

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

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

My Commission Expires March 14th 19 50 Notary Public Stearns County, Minn.

NOTE (1) If actions have been commenced, here state what they are; otherwise strike this out.

NOTE (2) Here insert what was done with real estate; and if any of it has been leased, state what and terms of lease.

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

## PROBATE COURT

IN THE MATTER OF THE ESTATE OF

James Abner Spence,  
*Decedent.*

FINAL ACCOUNT OF SPECIAL  
ADMINISTRATOR  
AND PETITION FOR ALLOWANCE.

Filed this 6<sup>th</sup> day of  
December, 19 44.  
Frank W. Morgan  
Clerk - United States District Court.