



Minnesota District Court (Carver County)
Civil and criminal case files

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3066

No. 11.

DISTRICT COURT

CARVER COUNTY, MINNESOTA.

Albert Guetzke
Plaintiff

vs.
Dorothea Gnade, et al.
Defendant

Odell & Odell
Plaintiff's Atty.

Defendant's Atty.

Date of Entry Feb 25th 1907

Register of Actions 2 Page 483

Term Tried March 1907

Judgment for Plaintiff

Amount of Judgment, \$

Date of Judgment June 5th 1907

Judgment Book 20 Page 245

Default Judgment Book Page

Date of Docketing 190

No. 3043.

11.

DISTRICT COURT,

Eighth Judicial District,

County of Carver

Albert Gutzke

Plff.

Dorothea Gnade et al.

Defts.

NOTE OF ISSUE

Issue of Law
LAST PLEADING SERVED

Jan. 1 1907

Odell & Odell
Attorneys for Plaintiff

Attorney for Defendant

Will the Clerk please file this Note of
Issue, and enter the cause on the Calen-
dar for the March
A. D. 1907 General Term
of this Court.

Yours respectfully,

Odell & Odell
Attorneys for Plff.

Filed February 25th 1907

(483)

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

State of Minnesota,
County of **Carver**

IN PROBATE COURT.

In the Matter of the Estate of

Christian Gnade.

Deceased.

To the Probate Court in and for Said County:

The Petition of **Dorothee Gnade** of the Town
of **Young America,** in the County of **Carver** and State
of **Minnesota,** respectfully represents that **Christian Gnade.**
late of the Town of **Young America** in the County of **Carver** and
State of **Minnesota,** died the **9th.** day of
August A. D. 190 **1**, at the County of **Carver**

testate, as petitioner believes; that the instrument in writing herewith presented to this Court is
the last Will and Testament of said deceased, as petitioner believes; and that your petitioner is the
identical **Dorothee Gnade of the Town of Young America, Carver County, Minnesota.** named
and appointed in and by said last Will and Testament, as executrix thereof. That the names, ages
and residences of the heirs and devisees of the decedent, so far as known to your petitioner, are as follows:

Dorothee Gnade, age 51 years, Young America Minnesota.
Emilia Schimmelpfening (formerly Gnade) age 41 years. Perham, Minnesota.
Carl Gnade, age 38 years, Young America, Minnesota.
Anna Schrupp (formerly Gnade) age 35 years, Young America, Minnesota.
Mathilda Gutske, (formerly Gnade) age 33 years, Young America, Minnesota.
William Gnade, age 30 years, Young America, Minnesota.
Augusta Morran (formerly Gnade) age 28 years, St Paul, Minnesota.
Emma Gnade, age 25 years, St Paul, Minnesota.
Clara Gnade, age 6 years, Young America, Minnesota.

That the probable value of the personal property of the estate is **Five Hundred (\$500.00)**
DOLLARS; and that the probable value of the real
property of the estate is **Eight Hundred (\$800.00)** DOLLARS,
and its character is as follows: **promissory Note and the East 1/2 of South East quarter**
of the North East Quarter of Section Twelve (12). Township one Hundred
and fifteen (115). Range Twenty Six (26), containing 30 acres of land.

That the name of the executrix named in the Will **Dorothee Gnade.**
and her residence **Young America Town, Carver County, Minnesota.**

Your Petitioner Therefore Prays, That said Will may be proved and allowed as the last
Will and Testament of said **Christian Gnade.** deceased, and
that letters testamentary be granted to **Dorothee Gnade.**

Dated at **Young America, Minn.** this **18th** day of
April A. D. 190 **2**

Dorothee Gnade.

State of Minnesota,

County of **Carver**

Dorothee Gnade

1892

the person who made the foregoing petition, being duly sworn, say that the same is true, to
own knowledge, except as to those matters stated on **her** information and belief, and as to those
matters that he believes them to be true.

Dorothee Gnade.

Sub

Subscribed and sworn to before me, this 18th. day of April 1902

Aug. F. Truett.

Notary Public.

(Seal) **Notary Public.**
I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same is on file in my office.

Notary Public.

Notary Public.
I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same is on file in my office.

Notary Public.

Notary Public.

Notary Public.

Notary Public.

Notary Public.

Notary Public.

Notary Public.

Notary Public.

Notary Public.

No. 1182

IN PROBATE COURT

County of *Carver*

In the Matter of the Estate of

Christian Gnade.
Deceased.

PETITION OF EXECUTOR
PRESENTING WILL FOR
PROBATE.

Filed this *19th* day of

April 190 *2*

John F. Engler.
Judge of Probate.

CERTIFICATE OF TRANSCRIPT.

State of Minnesota,
County of Carver.

ss

In Probate Court.

I, John Glaeser., Judge of the

Probate Court of said County, do hereby certify that I have compared the annexed
copy of Petition of Executrix presenting Will for probate,
in the matter of the estate of Christian Gnade, deceased.

with the original records preserved in said Probate Registry, and that the same is a true copy thereof, and
of the whole of said original records.

In Testimony Whereof, I have hereunto set my hand and affixed the seal
of said Court at Chaska, Minn., this 18th day of April A. D. 19 07

John Glaeser.
Judge of Probate, Carver County, Minn.



TO

BY

1897

No.

IN PROBATE COURT

County of Carver.....

In the Matter of the Estate of

Christian Gnade, deceased.

Plffs. Ex A.

Certificate of Transcript.

CARVER COUNTY,
FILED

APR 17 1907

H. O. Muehlberg, Clerk.

Filed this..... day of

..... A. D., 190....

Judge of Probate.

IN THE MATTER OF THE ESTATE OF CHRISTIAN GNAD, deceased.

Religion of deceased deceased all for

I, **Christian Gnade**
of **Young America Town** in the County of **Carver**
and of being of sound mind and memory, and
considering the uncertainty of this frail and transitory life, do therefore make, ordain, publish and
declare this to be my Last Will and Testament.

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

Second, After the payment of such funeral expenses and debts, I give, devise and bequeath

- (1st) To my beloved wife Dorethea Gnade the following described
Real Estate, to-wit. The East One Half (1/2) of the South
East Quarter (S.E. 1/4) of the North East Quarter (N.E. 1/4)
of Section Twelve (12). Township One Hundred fifteen (115),
Range Twenty Six (26). Also all my personal estate wherever
the same may be found of which I may die possessed of, To have
the full use of the same as long as my said wife my live. pro-
vided however that my said wife shall not sell the above des-
cribed Real Estate, or make a loan on the same for a greater
sum than three Hundred (\$300.00) Dollars.
- 2nd. After the decease of my wife Dorethea Gnade the above described
Real Estate and all the personal Estate that might be left, to
belong to my daughter Clara Gnade, provided however that my
Daughter Clara Gnade pay to my daughter Augusta Morran Forty
(\$40.00) Dollars and to my Daughter Wilhelmine Gnade Forty
(\$40.00) Dollars, said amounts to be paid within Three Months
after my Daughter Clara Gnade has arrived at the age of eighteen
years, and not until my Daughter Clara Gnade has full possession
of all property.

Lastly, I make, constitute and appoint my wife Dorothea Gnade,

to be Executor of this my Last Will and Testament, hereby revoking all former Wills by me made.

In Testimony Whereof, I have hereunto subscribed my name and affixed my seal, the 27th
day of July in the year of our Lord one thousand nine hundred and One
1901

Christian Gnade. (SEAL.)

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

Aug. E. Struve,

Residing at Young America, Minn.

A. Baumhoefer,

Residing at Young America, Minn.

LAST WILL AND TESTAMENT OF

Christian Gnade

Dated *July 27th* 190*1*

Witnesses

Witness

(1st) to be signed with Christian Gnade the following described

CERTIFICATE OF PROBATE.

State of Minnesota, }
 County of Carver } ss. In Probate Court,
 Special Term, May 24th. 1902. xxx

In the Matter of the Estate of

Christian Gnade Deceased.

Be it Remembered, That on the day of the date hereof at a Special
 Term of said Probate Court, pursuant to notice duly given, the Last Will and Testament of
Christian Gnade,
~~deceased~~ late of said County of Carver bearing date the 27th.
 day of July 1901. xxx, and being the annexed written instrument, was duly proved
 before the Probate Court, in and for the County of Carver aforesaid,
 and was duly allowed and admitted to probate by said Court according to law, as and for the Last
 Will and Testament of said Christian Gnade.
 deceased, which said Last Will and Testament is recorded and the examination taken thereon filed
 in this office.

In Testimony Whereof, The Judge of the Probate Court of said County, has hereunto set his
 hand and affixed the seal of said Court at the City of Chaska
 in said County, this 24th. day of May A. D. 1902.

(Court Seal)

John F. Engler.
 Judge of Probate.

No. 1182

IN PROBATE COURT,

County of Leaue

In the Matter of the Estate of

Christian Gnade
Deceased.

CERTIFICATE OF PROOF OF WILL.

Filed this 27th day

of May 1921, and

recorded in Book "C" of

Wills, pages 410, 411

John P. Engler
Judge of Probate.

10-1-94. 1/2 M.

Brown, Treacy & Co., St. Paul.

CERTIFICATE OF TRANSCRIPT.

State of Minnesota,
County of Carver.

ss

In Probate Court.

I, John Glaeser, Judge of the
Probate Court of said County, do hereby certify that I have compared the annexed
copy of Last Will and Testament, and Certificate of Probate
thereon, in the matter of the estate of Christian Gnade, deceased.

with the original records preserved in said Probate Registry, and that the same is a true copy thereof, and
of the whole of said original records.



In Testimony Whereof, I have hereunto set my hand and annexed the seal
of said Court at Chaska, Minn., this 17th day of April, A. D. 1907

John Glaeser
Judge of Probate, Carver County, Minn.

No.

IN PROBATE COURT

County of Carver.....

In the Matter of the Estate of

Christian Gnade, deceased.

Certificate of Transcript.

Reffs. Ex B

CARVER COUNTY,
FILED

Filed this... *APR 17* 1907... day of

H. O. Muehlberg Clerk

Judge of Probate.

FINAL DECREE

State of Minnesota,

IN PROBATE COURT.

SS.

County of Carver.

Special Term, December 27th, 1903.

In the Matter of the Estate of
Christian Gnade, deceased.

IT APPEARING to the Court, now here, on satisfactory proof and the evidence, that the necessary expense of funeral, of last sickness of said deceased, and of administration of said estate, have been fully paid and that all the debts existing against said deceased, or allowed by Court pursuant to law, have been fully paid and satisfied, and that said estate has been fully administered, as by the final account of Dorothea Gnade in her official capacity as administratrix of said estate, duly audited and allowed by this Court, pursuant to due notice ^{given} and served, will appear reference being had thereto.

AND IT FURTHER APPEARING, That due notice of the application for this final decree in said matter, assigning the estate to the persons thereto entitled by law, has likewise been duly given and served pursuant to law in such case made and provided.

AND IT FURTHER APPEARING, That the said deceased testate, and the residue of said estate consists of the following described real estate-wit
The East Half of the South East Quarter of the North East Quarter (E. 1/2 of S.E. 1/4 of N. E. 1/4) of Section 12 Township 115. Range 26. containing 20 acres more or less, according to Government Survey thereof.

Also a strip of land 2 rods wide on South line of Lot No. 8. of Section 12 Township 115, Range 26, described as follows: Commencing at the South East corner of said Lot 8, running thence North 2.00 rods, thence west parallel with South line of said Lot 8 untill it intersects the Meander line of lake Barnes, thence South along the Meander line of the lake to the South-west corner of said lot, thence East along the South line of said Lot to the place of beginning, all being in the County of Carver, State of Minn.

AND IT FURTHER APPEARING, That by the terms and provisions of the last Will and Testament of said deceased the said East Half of the South East Quarter of the North East Quarter of Section 12, Town 115, Range 26, was devised and bequeathed unto Dorothea Gnade, for the full term of her Natural life only, and the remainder, after the termination of said life estate, was devised and bequeathed unto Clara Gnade in fee, provided ~~she~~ the said Clara Gnade, after ^{she} has full possession of said estate and when said Clara Gnade has reached the full age of ~~Eighteen~~ 18 years ^{and} three Months, pay the sum of \$40.00 to Augusta Morran, and the sum of \$40.00 to Wilhelmina Gnade. And it Further Appearing, That the following piece or parcel of land, so owned by said deceased, viz: Commencing at the South East corner of said Lot 8, running thence North 2000 rods, thence West, parallel with South line of said Lot 8, untill it intersects the Meander line of Lake Barnes, thence South along the said Meander line of said lake to the South West corner of said Lot 8; thence East along the South line of said lot to the place of beginning, was not included in said last Will and was not thereby devised or bequeathed to any One and that the said piece or parcel of land descended and vested in the widow and legal heirs of said deceased in the same way and manner as though said deceased had died intestate.

AND IT FURTHER APPEARING, That the residue of said estate consists of the following personal property, to-wit; The sum of Four Hundred Six 29/100 Dollars, now in the hands of said Executrix.

AND IT FURTHER APPEARING, That the following named persons are the persons entitled to all said estate by law, viz;

Dorothea Gnade, the widow of said deceased.
Emilie Schimmelphening, the daughter of said deceased,
Carl Gnade, the Son of said deceased,
Anna Schrupp, the daughter of said deceased,
Matilda Gutke, the daughter of said deceased.
William Gnade, the son of said deceased.
Augusta Morran, the daughter of said deceased,
Minnie Gnade, the daughter of said deceased,
Clara Gnade, the daughter of said deceased.

NOW THEREFORE, On the petition of Dorothea Gnade, in her official capacity as Administratrix of the estate of said deceased and pursuant to due notice and the law in such case provided:

IT IS ORDERED, ADJUDGED AND DECREED, And this Court, by virtue of the powers and authority vested in the same by law, does hereby Order, adjudge

3

and Decree: That all and singular of the above described real property be and the same is hereby assigned to and vested in the said

Dorothea Gnade,
Emilie Schimmelphening,
Carl Gnade,
Anna Schrupp,
Matilda Gutzke,
William Gnade,
Augusta Gnade,
Winnia Gnade,
Clara Gnade.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That all the above described personal property be and the same is hereby assigned to and vested in the said Dorothea Gnade,
Clara Gnade.

Adjudged

AND IT IS FURTHER ORDERED, ^{Adjudged} AND DECREED, That all and singular of the above Real and Personal property be and the same is vested forever in the following ^{named} persons, and in the following proportions, to-wit;

the said Dorothea Gnade, for the full term of her Natural life only, the free use and benefit of the E. 1/2 of S.E. 1/4 of N. E. 1/4 of Section 12, Town 115, Range 26. And also to the said Dorothea Gnade, in fee simple and forever the undivided One Third right title and interest in and

the following land, to-wit: Commencing at the S. E. corner of Lot 8, in Section 12, Town 115, Range 26; running thence North 2.00 rods; thence west parallel with South line of said lot 8, untill it intersects the Meander line of Lake Barnes; thence Southerly along the Meander line of said Lake, to the S. W. corner of said Lot 8; thence East to place of beginning. And also to the said Dorothea Gnade, for her free use and

benefit, for and during her lifetime only, all the rest and residue of said personal estate, to-wit; The sum of Four Hundred Six 25/100 Dollars, with full right to the said Dorothea Gnade, to use the same or so much

as is necessary for her care and comfort and upon condition that on the death of said Dorothea Gnade, all the said personal property remaining in the possession of said Dorothea Gnade, if any there be, shall pass to and vest in said Clara Gnade.

To the said Clara Gnade, in fee simple and forever, subject however to the said life estate of the said Dorothea Gnade, therein, all right title and interest in and to the E. 1/2 of S.E. 1/4 of N. E. 1/4 of Section 12, Town 115, Range 26, upon the express condition however, that the said Clara Gnade, ^{before} on or ^{before} she, the said Clara Gnade, becomes 18 years and 3 months

46

of age and when she the said Clara Gnade, has full possession of the said E. 1/2 of S. E. 1/4 of N. E. 1/4 aforesaid, shall pay the sum of Forty Dollars to Augusta Morran, and the sum of Forty Dollars to Wilhelmine Gnade, Also to the said Clara Gnade, in fee simple and forever, the undivided 1/12 right title and interest in and to the lands following, to wit; Commencing at N.E. corner of Lot 8, in Section 12, Town 115, Range 26; running thence ^{North} 2.00 rods; thence west, parallel with South line of said Lot 8, untill it intersects the Meandered line of Lake Barnes; thence Southerly along the Meander line of said Lake to the S.W. corner of said ^{Lot} 8; thence East to place of beginning.

Also to the said Clara Gnade, for her free use and benefit all the personal estate of said deceased remaining unused by the said Dorothea Gnade, and upon the death of said Dorothea Gnade..

To the said Emelie Schimmelphening, in fee simple and forever, the undivided One Twelfth right title and interest in and to the following lands, to-wit; Commencing at the N.E. corner of Lot 8, in Section 12, Town 115, Range 26; running thence North 2.00 rods, thence west parallel with South line of said Lot 8, untill it intersects the Meander line of lake Barnes; thence Southerly along the Meander line of said lake to the S.W. corner of said Lot 8, thence East to place of beginning.

To the said Carl Gnade, in fee simple and forever the undivided One Twelfth right title and interest in and to the following lands, to wit: Commencing at the S. E. corner of Lot 8, in Section 12, Town 115, Range 26; running thence North 2.00 rods; thence west, parallel with south line of said Lot 8, untill it intersects the Meander line of Lake Barnes; thence South along the Meander line of said Lake, to the S. W. corner of said Lot 8; thence East to place of beginning.

To the said Anna Schrupp, in fee simple and forever the undivided One Twelfth right title and interest in and to the following lands, to-wit: Commencing at the S. E. corner of Lot 8, in Section 12, Town 115, Range 26; running thence North 2.00 rods; thence west parallel with South line of said Lot 8, untill it intersects the Meander line of Lake Barnes; thence Southerly along the Meander line of said lake to the S. W. corner of said Lot 8; thence East to place of beginning.

To the said Matilda Gutske, in fee simple and forever the undivided One

Twelfth right title and interest in and to the following lands, to-wit:
Commencing at the South East corner of Lot 8, in Section 12, Town 115,
Range 26; running thence North 2.00 rods; thence West parallel with South
line of said Lot 8, until it intersects the Meander line of Lake Barnes;
thence Southerly along the Meander line of said lake, to the S. W. corner
of said Lot 8; thence East to place of beginning.

To the said William Gnade, in fee simple and forever the undivided One
Twelfth right title and interest in and to the following lands, to-wit:
Commencing at the S.E. corner of Lot 8, in Section 12, Town 115, Range 26;
running thence North 2.00 rods; thence west parallel with south line of
said Lot 8, until it intersects the Meander line of Lake Barnes; thence
Southerly along the Meander line of said Lake to the South West corner of
said Lot 8; thence East to place of beginning.

To the said Augusta Morran, in fee simple and forever the undivided One
Twelfth right title and interest in and to the following lands, to-wit:
Commencing at the S.E. corner of Lot 8 in Section 12, Town 115, Range 26;
running thence North 2.00 rods; thence west parallel with South line of
said Lot 8, until it intersects the Meander line of lake Barnes; thence
Southerly along the meander line of said Lake to the S. W. corner of said
Lot 8; thence East to place of beginning.

To the said Minnie Gnade, in fee simple and forever the undivided One
Twelfth, right title and interest in and to the following lands, to-wit:
Commencing at the S.E. corner of Lot 8, in Section 12, Town 115, Range 26;
thence running North 2.00 rods; thence west parallel with South line of
said Lot 8, until it intersects the Meander line of Lake Barnes; thence
Southerly along the meander line of said lake, to the S.W. corner of said
Lot 8; thence East to place of beginning.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and
appurtenances thereunto belonging or in any wise appertaining, to the
said above named persons and their heirs and assigns, forever.

John F. Hagler,
Judge of Probate,
Carver County, Minn.

(Court Seal.)

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IN DISTRICT COURT.
COUNTY OF CARVER.

In the matter of the Estate of
Christian Gnade, deceased.

FINAL DECREE.
assigning Residue of Estate

Filed this 27th day of
December A. D. 1902.

and recorded in book '5' Pro-
bate Records on Pages 15-16-17
18-19-20 and 21.

John F. Engler.

Judge of Probate.

CERTIFICATE OF TRANSCRIPT.

State of Minnesota,
County of Carver.

ss

In Probate Court.

I, John Glaeser., Judge of the

Probate Court of said County, do hereby certify that I have compared the annexed
cop y of Final Decree Assigning Residue of Estate, in the
matter of the Estate of Christian Gnade, deceased.

with the original records preserved in said Probate Registry, and that the same is a true copy thereof, and
of the whole of said original records.



In Testimony Whereof, I have hereunto set my hand and affixed the seal
of said Court at Chaska, Minn., this 15th day of April, A. D. 19 07

John Glaeser
Judge of Probate, Carver County, Minn.

No.

IN PROBATE COURT

County of Carver.....

In the Matter of the Estate of
Christian Gnade, deceased.

Certificate of Transcript.

Plff's Ex C

CARVER COUNTY.

FILED

Filed this.....day of

APR 17 1907

I. D. 190.....

H. O. Muehlberg

Clerk

Judge of Probate.

Know All Men by These Presents, That Christian Gnade
 in the County of Carver and State of Minnesota held and firmly
 bound unto Albert Gutzte of Carver County
Minnesota
 in the sum of Six Hundred (\$600.00) Dollars
 lawful money of the United States, to be paid unto Albert Gutzte his
 heirs, executors, administrators and assigns, for which payment well and truly to be made I
 bind myself my heirs, executors and assigns, firmly by these presents.
 Whereas, That said Christian Gnade

this day bargained unto the said Albert Gutzte his
 heirs, executors, administrators and assigns a certain lot or parcel of land, situate,
 lying and being in the County of Carver and State of Minnesota
 designated and described as follows, to-wit:
Commencing at the South East corner of Lot
No. Six (6) Block No. Four (4) of Young
America Village, running Thence North
along fourth street (150) feet, Thence West
parallel with Main street (50) feet, Thence
South parallel with fourth street (150) feet
to a point in south line of Lot (6), Thence
along Main street (50) feet to place of
beginning, the whole being situated and
being part of Lots Six (6) Seven (7) and Eight
(8) of Block No. (4) of the Village of Young
America according to the plat of said village
on record in the office of the Register of
Deeds for Carver County, Minnesota

Now, Therefore, The condition of this obligation is such, that if the said Christian Gnade his
 heirs, executors, administrators or assigns, make, execute and deliver a good and sufficient
 Warranty Deed, in fee simple, free from all incumbrances, except such as may arise by virtue of
 any tax assessed subsequent to the execution of this instrument, of the above described premises,
 upon being paid the full sum of Three Hundred (\$300.00)
Dollars

according to the conditions of one promissory note bearing even date herewith
with interest at the rate of Six (6) % per annum
payable annually and due five years from date
 then this obligation to be null and void, otherwise to remain in full force and virtue.

In Testimony Whereof, *I* have hereunto set *my* hand
and seal this *Eleventh* day of *June* A. D. 18*90*

Signed, Sealed and Delivered in Presence of

Aug. J. F. Finner
J. W. Finner

Christian Gnade

SEAL

SEAL

SEAL

State of Minnesota,
County of *Carver* ss.

On this *Eleventh* day of *June* A. D. 18*90*, before me
personally appeared *Christian Gnade*

to me known to be the person described in and who executed the foregoing instrument, and
acknowledged that *he* executed the same as *his* free act and deed.



Aug. J. F. Finner
notary public
Carver Co. Minn.

Refs. Ex 20.
BOND FOR DEED

Christian Grode

—TO—
Albert Gutzke

OFFICE OF REGISTER OF DEEDS,
STATE OF MINNESOTA, } ss.
County of _____

I hereby certify that the within
Bond was filed for Record in this
Office, on the _____ day
of _____ A. D. 189____,
at _____ o'clock _____ M., and was duly
recorded in Book _____

Register of Deeds.

Per _____ Deputy.

500. 9-7-96.

Brown, Treacy & Co., St. Paul.

(483)

CARVER COUNTY,
FILED

APR 17 1907

H. O. Muehlberg Clerk

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

-----:-----
Albert Gutzke

Plaintiff

vs

Dorothea Gnade, Emilia Schimmelofennid, William Schimmelofennid,
Carl Gnade, Catherine Gnade, William Gnade, Martha Gnade, Anna
Schrump, William Schrump, Mathilda Gutzke, C. A. Gutzke, Augusta
Moran, Patrick Moran, Minnie Gnade and Clara Gnade

Defendants
-----:-----

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned and required to serve your answer to the complaint of the plaintiff in the above entitled action, which complaint is hereto attached and herewith served upon you, by copy, upon the subscribers at their office in the City of Chaska in the County of Carver and State of Minnesota, within twenty days after the service of this summons upon you, exclusive of the day of such service; and if you fail so to serve your answer within the time aforesaid the plaintiff in this action will apply to the court for the relief demanded in said complaint, together with the costs and disbursements herein.

Oscar & Oscar

Attorneys for Plaintiff,

Chaska, Minn.

STATE OF MINNESOTA
County of Carver

DISTRICT COURT
Eighth Judicial District

Albert Gutzke

Plaintiff

vs

Dorothea Gnade, Emilia Schimmelofennid, William Schimmelofennid,
Carl Gnade, Catherine Gnade, William Gnade, Martha Gnade, Anna
Schrupp, William Schrupp, Mathilda Gutzke, C. A. Gutzke, Augusta
Moran, Patrick Moran, Minnie Gnade and Clara Gnade

Defendants

Said plaintiff for his complaint in the above entitled action respectfully
states and shows to the Court:

(1). That on and prior to the 11th day of June 1901 one Christian Gnade was the
owner in fee simple and in the possession of that certain tract or parcel of land
situate, lying and being in the County of Carver and State of Minnesota known and des-
cribed as follows, viz: Commencing at the southeast corner of Lot No. Six (6), Block
Four (4) of Young America Village; running thence north along Fourth Street 150
feet; thence west parallel with Main Street 50 feet; thence south parallel with
Fourth Street 150 feet to a point in the south line of Lot Six (6); thence along
Main Street 50 feet to place of beginning, the whole being situated in and being part
of Lots Six (6), Seven (7) and Eight (8) of Block Four (4) of the Village of Young
America.

(2). That on said 11th day of June 1901 said Christian Gnade by instrument in
writing dated on said date and duly signed, sealed and delivered, promised, covenanted
and agreed for himself, his heirs, executors, administrators and assigns, to make, exe-
cute and deliver to this plaintiff a good and sufficient warranty deed in fee simple
free from all incumbrances of the above described premises upon being paid the full
sum of Three Hundred Dollars (\$300) according to the conditions of one certain prom-
issory note bearing even date therewith with interest at the rate of 6% per annum
payable annually and due 5 years from the date thereof. That this plaintiff in con-

sideration of the promise, covenant and agreement contained in said instrument executed by said Christian Gnade as aforesaid then and there made, executed and delivered to said Christian Gnade his promissory note for \$300 with interest at the rate of six per cent per annum payable annually and due 5 years from said date, and thereupon this plaintiff, under and by virtue of said agreement, entered into possession of said premises and has ever since retained and now is in possession of the same.

(3). That said Christian Gnade died on the 29th day of August 1901 in said County and State leaving a last will and testament, being at the time of his decease a resident of said County and State, and thereafter such proceedings were duly had and taken in the Probate Court in and for said County that on, to-wit, the 24th day of May 1902 the last will and testament of said deceased was duly admitted to probate and letters testamentary of the estate of said Christian Gnade were by said Court issued to one Dorothea Gnade. That thereupon said Dorothea Gnade as Executrix of said estate under direction of said Probate Court administered said estate and in due time was duly and regularly discharged as such Executrix and the Final Decree in said matter was duly made and entered by said Court. That in said last will and testament and in all the proceedings subsequent to its probate, and in the Final Decree duly made and entered in the matter of said estate, no mention was made of said above described parcel of land and said land was wholly omitted from administration and was not disposed of in the Final Decree made and entered in said proceedings, nor was any disposition made of the promissory note executed by this plaintiff to said Christian Gnade as aforesaid and said note was not listed in the inventory returned by said Executrix to said Probate Court.

(4). That said above described tract of land was not, at the time of the execution of the agreement hereinbefore referred to or at the time of the death of said Christian Gnade, the homestead of said Christian Gnade.

(5). That said defendant Dorothea Gnade is the surviving spouse of said Christian Gnade deceased, and said defendants Emilia Schimmelofennia, Carl Gnade, William Gnade, Anna Schrupp, Mathilda Gutzke, Augusta Moran, Minnie Gnade and Clara Gnade are the sole surviving children of said Christian Gnade deceased. That said defendants William Schimmelofennia, William Schrupp, C.A. Gutzke, and Patrick Moran are respectively the husbands of defendants Emilia Schimmelofennia, Anna Schrupp, Mathilda Gutzke

and Augusta Moran; and said defendants Catherine Gnade and Martha Gnade are respectively the wives of defendants Carl Gnade and William Gnade.

(6). That said above described tract of land was never conveyed to this plaintiff by said Christian Gnade or his heirs, executors, administrators, ~~administrators~~ or assigns, and said tract of land descended to the heirs at law of said Christian Gnade deceased.

(7). That this plaintiff is ready and willing to pay to said defendants the sum of \$300 with interest in accordance with the terms of the promissory note hereinbefore mentioned, and hereby offers to pay said sum to said defendants as the Court may order.

Wherefore this plaintiff demands the judgment and decree of this Court as follows:

a. Directing and requiring said defendants to execute and deliver to this plaintiff a good and sufficient warranty deed, free from all incumbrances, of the premises described in paragraph 1 of this complaint upon being paid the sum of \$300 with interest as provided by said promissory note, and, if said defendants refuse to make said conveyance, the further judgment or decree of this court conveying to this plaintiff the premises hereinbefore described.

b. For the costs and disbursements of this action.

c. For such other and further relief as to the court may seem just and proper in the premises.

Odell & Odell
Attorneys for Plaintiff,
Chaska, Minn.

District Court
Carver County

Albert Gutzke

- vs -

Dorothea Gradet
et al.

Summons and Com-
plaint.

ORIGINAL.

CARVER COUNTY,
FILED

APR 17 1907

J. D. Muehlberg

(483)

Odece, Odece,
Attys Bar Peff,
Chaska, Minn.

STATE OF MINNESOTA
County of Carver

DISTRICT COURT
Eighth Judicial District

Albert Gutzke

Plaintiff

VS

Dorothea Gnade, Emilia Schimmeloffennid, William Schimmeloffennid,
Carl Gnade, Catherine Gnade, William Gnade, Martha Gnade, Anna
Schraupp, William Schraupp, Mathilda Gutzke, C.A. Gutzke, Augusta
Moran, Patrick Moran, Minnie Gnade and Clara Gnade

Defendants

State of Minnesota

County of Otter Tail

Ed Hoffmann, being first duly sworn, says that
he is a resident of the County of Otter Tail; that on the 7th day
of September A.D. 1906, at Dora in the County
of Otter Tail and State of Minnesota he served the Summons and
Complaint in the above entitled action on Emilie Schimmeloffennid
and William Schimmeloffennid husband and wife
who he well known to be the defendant named in the above entitled action by then
and there handing to and leaving with ^{each of} said above named

Wm Schimmeloffennid and Emilie Schimmeloffennid a
true and correct copy of said Summons and Complaint.

Subscribed and sworn to before me
this 10 day of September 1906.

Eddie Hoffmann

Char W Hoffmann

Notary Public

in and for Otter Tail Co Minn

my Commission Expires Nov 1st 1906

District Court
Carver County

Albert Gutzyke

- vs -

Dorothea Gnade et al

Affidavit of Service
of Summons and
Complaint

CARVER COUNTY,
FILED

APR 17 1907

H.O. Muehlberg, Clerk.

(483)

STATE OF MINNESOTA
County of Carver

DISTRICT COURT
Eighth Judicial District

Albert Gutzke

Plaintiff

vs.

Dorothea Gnade, Emilia Schirmelofennid, William Schirmelofennid,
Carl Gnade, Catherine Gnade, William Gnade, Martha Gnade, Anna
Schrupp, William Schrupp, Mathilda Gutzke, J. A. Gutzke, Augusta
Moran, Patrick Moran, Minnie Gnade and Clara Gnade

Defendants

State of Minnesota

County of Olumsted^{SS}

Chas. L. Chapple, being first duly sworn, says that
he is a resident of the County of Olumsted; that on the 30th day
of August A.D. 1903, at Rochester in the County
of Olumsted and State of Minnesota he served the Summons and
Complaint in the above entitled action on Patrick Moran

to him well known to be the defendant, named in the above entitled action, by then
and there handing to and leaving with said above named

Patrick Moran

true and correct copy of said Summons and Complaint.

Subscribed and sworn to before me
this 30th day of August, 1903.

Chas. L. Chapple

John Miner

Notary Public, Olumsted County, Minn.
My Commission Expires June 30th, 1913.

7/5 Clara

District Court
Carver County
Albert Gutky.

- vs -

Dorothea Gnade et al.

Affidavit of service of
Summons and
Complaint

CARVER COUNTY,
FILED

APR 17 1907

H. O. Muehlberg, Clerk.

(483)

STATE OF MINNESOTA
County of Carver

DISTRICT COURT
Eighth Judicial District

-----:-----
Albert Gutzke

Plaintiff

vs

Dorothea Gnade, Emilia Schirmpfeffer, William Schirmpfeffer,
Carl Gnade, Catherine Gnade, William Gnade, Martha Gnade, Anna
Schrupp, William Schrupp, Mathilda Gutzke, C.A. Gutzke, Augusta
Moran, Patrick Moran, Winnie Gnade and Clara Gnade

Defendants
-----:-----

State of Minnesota

vs

County of Carver

August F. Truse, being first duly sworn, says that he is a resident of the County of Carver in said State; that on the 5th day of September in said County he served the summons and complaint in the above entitled action upon Dorothea Gnade, Clara Gnade, Carl Gnade and Catherine Gnade, and upon Dorothea Gnade as the mother of said Clara Gnade, by then and there handing to and leaving with each of them personally, and to and with Dorothea Gnade as the mother of said Clara Gnade, a true and correct copy of said summons and complaint; that on the 4th day of September in said County he served the summons and complaint in the above entitled action upon William Gnade and Martha Gnade by then and there handing to and leaving with each of them personally a true and correct copy of said summons and complaint; that on the 8th day of September 1906 in said County he served the summons and complaint in the above entitled action upon Anna Schrupp, William Schrupp, Mathilda Gutzke and C. A. Gutzke by then and there handing to and leaving with each of them personally a true and correct copy of said summons and complaint; that on the 14th day of September 1906 in said County he served the summons and complaint in the above entitled action upon Augusta Moran and Winnie Gnade by then and there handing to and leaving with each of them a true and correct copy of said summons and complaint. That all of said persons hereinbefore named, viz: Dorothea Gnade, Clara Gnade, Carl Gnade, Catherine Gnade, William Gnade, Martha Gnade, Anna Schrupp, William Schrupp, Mathilda Gutzke, C.A. Gutzke, Augusta Moran and Winnie Gnade, are well known to said affiant, and he knows that they are the identical persons named as defendants in

the above entitled action, and that said Dorothea Gnade is the mother of said Clara Gnade.

Subscribed and sworn to before me
This 26 day of October 1908.

Aug. H. Smol

J. W. Tuve
Notary Public

My commission expires Oct. 15th, 1912.

5
District Court
County of Carver

Albert Gutzke

- vs -

Dorothea Gnade et al.

Affidavit of Service of
Summons and Complaint

CARVER COUNTY,
FILED

APR 17 1907

H. O. Muchlberg, Clerk.

(483)

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

Albert Gutzke

Plaintiff

vs

Dorothea Gnade, Emilia Schimmelpfennig, William Schimmelpfennig,
Carl Gnade, Catherine Gnade, William Gnade, Martha Gnade, Anna
Schrupp, William Schrupp, Mathilda Gutzke, C. A. Gutzke, Augusta
Moran, Patrick Moran, Minnie Gnade and Clara Gnade

Defendants

State of Minnesota

ss

County of Olmsted

Charles L. Chapple being first duly sworn, says that he
is a resident of the County of Olmsted; that on the 27th day of October
A.D. 1908 at Rochester in said County and State, he served the notice of motion for
the appointment of a guardian ad litem on Patrick Moran to him well known to be the
defendant named in the above entitled action by then and there handing to and leav-
ing with said Patrick Moran a true and correct copy of said notice of motion.

Subscribed and sworn to before me

This 27th day of October 1908.

Chas. L. Chapple

John Munir

Notary Public, Olmsted County, Minn.
Commission Expires June 30th 2013.

Rochester Munir

District Court ⁴
County of Carver

Albert Gutzke

- vs -

Dorothea Gnade et al.

Affidavit of service of
Notice of Motion

CARVER COUNTY,
FILED

APR 17 1907

H.O. Muehlberg, Clerk.

(483)

STATE OF MINNESOTA
County of Carver

DISTRICT COURT
Eighth Judicial District

-----:-----
Albert Gutzke

Plaintiff

vs

Dorothea Gnade, Emilia Schinnelofennig, William Schinnelofennig,
Carl Gnade, Catherine Gnade, William Gnade, Martha Gnade, Anna
Schrump, William Schrump, Mathilda Gutzke, C.A. Gutzke, Augusta
Moran, Patrick Moran, Winnie Gnade and Clara Gnade

Defendants
-----:-----

You will please take notice, that on Tuesday the 20th day of November 1903, at 10 o'clock in the forenoon of said day, at the Village of Norwood in said County and State and at the Chambers of Judge Morrison in said Village, the plaintiff in this action will apply to the Court for an order appointing August F. Frowe guardian ad litem for you and each of you in the above entitled action.

Said motion will be made upon the grounds that you and each of you have failed to apply for the appointment of a guardian ad litem for the purposes of the above entitled action; and upon the hearing of said motion and in support thereof this plaintiff will read his petition hereto attached and the files and records in said action or so much thereof as may be necessary.

Ouell & Ouell
Attorneys for Plaintiff.

To
Patrick Moran
and
Clara Gnade.

STATE OF MINNESOTA
County of Carver

DISTRICT COURT
Eighth Judicial District

-----:-----
Albert Gutzke

Plaintiff

vs

Dorothea Gnade, Agilia Schimmelofennid, William Schimmelofennid,
Carl Gnade, Catherine Gnade, William Gnade, Martha Gnade, Anna
Schrapp, William Schrapp, Mathilda Gutzke, C. A. Gutzke, Augusta
Moran, Patrick Moran, Minnie Gnade and Clara Gnade

Defendants
-----:-----

To the District Court of the Eighth Judicial District of the State of Minnesota
in and for the County of Carver, and to the Honorable P. W. Morrison, Judge of said
Court:

Your petitioner, Albert Gutzke, respectfully shows:

That he is the plaintiff in the above entitled action; that the above named
defendant Patrick Moran is an insane person and is now an inmate of the State Hos-
pital for the Insane at Rochester, Minnesota, and that said Patrick Moran has no
guardian; that the above named defendant Clara Gnade is an infant of the age of, to-
wit, 15 years, and that said Clara Gnade has no general guardian. That the summons
and complaint in the above entitled action were served upon said Patrick Moran per-
sonally on the 30th day of August 1906, as appears by the affidavit of one Chas. L.
Chapple now on file in this proceeding, and that the summons and complaint in said
action were served upon said Clara Gnade personally on the 5th day of September as
appears by the affidavit of one August F. Truwe now on file in this proceeding.
That more than twenty days have elapsed since the service of the summons and com-
plaint upon said defendants as hereinbefore stated, and neither of said defendants,
said Patrick Moran and said Clara Gnade, has applied for the appointment of a guar-
dian ad litem for the purposes of this proceeding, nor has any application for such
appointment been made by any relative or friend on behalf of either of said de-
fendants.

That August F. Truwe of the Village of Young America in said Carver County
is a competent and suitable person to act as guardian ad litem for said defend-
ants Patrick Moran and Clara ^{Gnade} and for each of them in said action.

Wherefore your petitioner prays that August F. Truax be, by the order of this Court, appointed guardian ad litem for said defendants Patrick Moran and Clara Gnade and for each of them.

Albert Gutzke
Petitioner.

State of Minnesota
as
County of Carver

Albert Gutzke, being first duly sworn, says that he is the plaintiff in the above entitled action; that he has read the foregoing petition and knows that the same is true except as to those matters therein stated on his information and belief, and as to those that he believes it to be true.

Subscribed and sworn to before me
this 26 day of October 1908.

J. W. Truax
Notary Public, Minn.

Albert Gutzke

My commission expires Oct. 15th, 1912.

District Court
Carver County

Albert Gutzke

vs

Dorothea Gnade et al.

Notice of motion for ap-
pointment of guardian
ad litem

ORIGINAL.

State of Minnesota }
County of Carver }

Due and personal ser-
vice of the within notice
by copy on this, the 27th
day of October A.D. 1906
is hereby admitted.

Lelara Gnades

CARVER COUNTY,
FILED

APR 17 1907

H.O. Muehlberg, Clerk
(483)

Odell & Odell
Atty. for Plaintiff
Chaska, Minn.

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

Albert Gutzke

Plaintiff

vs

Dorothea Gnade, Emilia Schirrelfennid, William Schirrelfennid,
Carl Gnade, Catherine Gnade, William Gnade, Martha Gnade, Anna
Schroop, William Schroop, Mathilda Gutzke, C. A. Gutzke, Augusta
Moran, Patrick Moran, Minnie Gnade and Clara Gnade

Defendants

It satisfactorily appeared to the Court that the above named defendant Clara Gnade is an infant of the age of 15 years, and that said defendant Patrick Moran is an insane person and is now in confinement at the State Hospital for the Insane at Rochester, Minnesota.

And it further satisfactorily appeared that the summons and complaint in the above entitled action were served on said defendants Clara Gnade and Patrick Moran, and on each of them, personally, and that more than twenty days had elapsed after the service of said summons and complaint on said defendants and on each of them and before the service of the notice of the motion for the appointment of a guardian ad litem for said defendants in said action, and that neither of said defendants had applied to this court for the appointment of such guardian ad litem for the purposes of said action, and that no application had been made on behalf of said defendants, or either of them, for the appointment of such guardian.

And it further satisfactorily appeared that due and timely notice of the application for the appointment of such guardian for said defendants Clara Gnade and Patrick Moran was duly served on said defendants, and on each of them, personally, and that August E. Truxa, a resident of the Village of Young America, Carver County, Minnesota, is a competent and suitable person to act as guardian ad litem for said defendants Patrick Moran and Clara Gnade for the purposes of this action.

Now, therefore, on the application of Albert Gutzke, plaintiff in the above entitled action, and on motion of the attorneys for said plaintiff, Ordered, That

August P. Trave, a resident of the Village of Young America in said County and State,
do, and he hereby is, appointed guardian ad litem for the defendants Patrick Moran and
Clara Snade, and each of them, for the purposes of the above entitled action.
Dated Worwood, Minn., Nov. 27th, 1908.

R. W. Morrison
Judge of said Court.

State of Minnesota } ss.
County of Carver }

I hereby consent to act as guardian ad litem
for the defendants Patrick Moran and Clara
Snade in the above entitled action.

Aug. P. Trave

ORIGINAL.

District Court
County of Carver

Albert Gutzke
Plaintiff

- vs -

Dorothea Gnade et al.
Defendants

Order appointing
Guardian ad litem.

CARVER COUNTY,
FILED

APR 17 1907

H. O. Muehlberg, Clerk.

(4)

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

-----:-----
Albert Gutzke

Plaintiff

vs

Dorothea Gnade, Emilia Schimmelpfennig, William Schimmelpfennig,
Carl Gnade, Catherine Gnade, William Gnade, Martha Gnade, Anna
Schrupp, William Schrupp, Mathilda Gutzke, C.A. Gutzke, Augusta
Moran, Patrick Moran, Minnie Gnade and Clara Gnade

Defendants
-----:-----

This cause having been duly brought on for trial in its regular order upon the calendar at an adjourned term of the March 1907 General Term of said Court held at the Court House in the City of Chaska in said County on the 17th day of April A.D. 1907 before the Court without a jury

Messrs Odell & Odell appeared as counsel for the plaintiff

There was no appearance by or on behalf of said defendants.

After considering the evidence offered on behalf of said plaintiff I find as follows, viz:

FINDINGS OF FACT.

(1). That on and prior to the 11th day of June 1901 one Christian Gnade was the owner in fee simple and in the possession of that certain tract or parcel of land situate, lying and being in the County of Carver and State of Minnesota known and described as follows, viz: Commencing at the southeast corner of Lot No. Six (6), Block No. Four (4) of Young America Village; running thence north along Fourth Street 150 feet; thence west parallel with Main Street 50 feet; thence south parallel with Fourth Street 150 feet to a point in the south line of Lot Six (6); thence along Main Street 50 feet to place of beginning, the whole being situated in and being part of Lots Six (6), Seven (7) and Eight (8) of Block Four (4) of the Village of Young America.

(2). That on said 11th day of June 1901 said Christian Gnade, by instrument in writing dated on said date and duly signed, sealed and delivered

ered, promised, covenanted and agreed for himself, his heirs, executors, administrators and assigns, to make, execute and deliver to this plaintiff a good and sufficient warranty deed in fee simple free from all incumbrances of the above described premises upon being paid the full sum of \$300 according to the conditions of one certain promissory note bearing even date therewith with interest at the rate of 6% per annum payable annually and due 5 years from the date thereof. That the plaintiff herein in consideration of the promise, covenant and agreement contained in said instrument executed by said Christian Gnade as aforesaid then and there made, executed and delivered to said Christian Gnade his promissory note for \$300 with interest at the rate of 6% per annum payable annually and due 5 years from said date, and there upon this plaintiff, under and by virtue of said agreement, entered into possession of said premises and as ever since retained and now is in possession of the same.

(3). That said Christian Gnade died on the 9th day of August 1901 in said County and State leaving a 1st will and testament, being at the time of his decease a resident of said County and State, and thereafter such proceedings were duly had and taken in the Probate Court in and for said County that on, to-wit, the 24th day of May 1902 the last will and testament of said deceased was duly admitted to probate and letters testamentary of the estate of said Christian Gnade were by said court issued to one Dorothea Gnade. That thereupon said Dorothea Gnade as Executrix of said estate under the direction of said Probate Court administered said estate and in due time was duly and regularly discharged as such Executrix and the Final Decree in said matter was duly made and entered by said Court, and by said Final Decree said Dorothea Gnade, one of the defendants herein, was declared the residuary legatee and as such entitled to all the residue of the personal property after the payments of the expenses of administration, the payments of claims allowed by said Court, and the payment of the legacies and devises provided for by said last will and testament. That in said last will and testament and in all the proceedings subsequent to its probate, and in the Final Decree duly made and entered in the matter of said estate, no mention was made of said above des-

cribed parcel of land and said land was wholly omitted from administration and was not disposed of by the Final Decree made and entered in said proceedings, nor was any disposition, other than that contained in the residuary clause of the Final Decree hereinbefore referred to, made of the promissory note executed by the plaintiff herein to said Christian Gnade as aforesaid and said note was not listed in the Inventory returned by said Executrix to said Probate Court.

(4). That said above described tract of land was not, at the time of the execution of the agreement hereinbefore referred to or at the time of the death of said Christian Gnade, the homestead of said Christian Gnade.

(5). That said defendant Dorothea Gnade is the surviving spouse of said Christian Gnade deceased, and said defendants Emilia Schimmelpfennig, Carl Gnade, William Gnade, Anna Schrupp, Mathilda Gutzke, Augusta Moran, Minnie Gnade and Clara Gnade ^{are} ~~and~~ the sole surviving children of said Christian Gnade deceased. That said defendants William Schimmelpfennig, William Schrupp, C.A. Gutzke and Patrick Moran are respectively the husbands of defendants Emilia Schimmelpfennig, Anna Schrupp, Mathilda Gutzke, and Augusta Moran; and said defendants Catherine Gnade and Martha Gnade are respectively the wives of defendants Carl Gnade and William Gnade.

(6). That said above described tract of land was never conveyed to the plaintiff herein by said Christian ^{Gnade} ~~or~~ by his heirs, executors, administrators or assigns.

(7). That the plaintiff herein paid to said Dorothea Gnade as the person entitled to the residue of the personal estate of said Christian Gnade on, to-wit, the 11th day of June 1906, the sum of \$300 with interest as provided by the promissory note hereinbefore referred to.

CONCLUSIONS OF LAW.

a. That plaintiff is the owner in fee simple of the land described in paragraph I of the foregoing Findings of Fact and ^{is} ~~is~~ entitled to the judgment of this Court decreeing and adjudging that he is the owner in fee simple of said premises and that, ^{neither} ~~the~~ defendants ^{nor any of them} ~~are~~ ^{are not} entitled to any right, title, estate, or interest in or to the same.

b. That said plaintiff have and recover from said defendants his costs and disbursements herein.

Let judgment be entered accordingly.

Dated Norwood, Minn., May 29th 1907.

W. M. Morrison

Judge of said Court.

State of Minnesota,
County of Carver
District Court.

Albert Gutzke Plaintiff,
vs.

Dorothea Guadental Defendant.

Findings and Decision

Due and personal service of the within
admitted
this _____ day of _____ 19____

CARVER COUNTY,
Attorney for

JUN 5 1907

H.O. Muehlberg Clerk.

Oscar Quill
Attorney for Pff.

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

(483)

State of Minnesota,
County of _____
being first duly sworn upon oath deposes and says
in said County and State, on the _____
that at the _____
day of _____ 19____, he served the within
upon _____
therein named, personally, by _____
at the house of the usual abode of said _____, a person of
leaving with said _____ with _____
suitable age and discretion, then resident therein, a true and correct copy of said _____
is to affiant well known to be the same
that said _____

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

-----:-----
Albert Gutzke

Plaintiff

vs

Dorothea Gnade, Emilia Schimmelpfennig, William Schimmelpfennig,
Carl Gnade, Catherine Gnade, William Gnade, Martha Gnade, Anna
Schrupp, William Schrupp, Mathilda Gutzke, C.A. Gutzke, Augusta
Moran, Patrick Moran, Minnie Gnade and Clara Gnade

Defendants
-----:-----

This cause having been duly brought on for trial in its regular or-
der upon the calendar at an adjourned term of the March 1907 General Term
of said Court held at the Court House in the City of Chaska in the Coun-
ty and State aforesaid on the 17th day of April A.D. 1907 before the
Court without a jury, and the Court having made and filed its findings
of fact and decision,

Now, Therefore, On motion of Odell & Odell, Attorneys for the plain-
tiff herein, It is Ordered, Adjudged, and Determined, That the plaintiff is
the owner in fee simple of that tract or parcel of land situate, lying
and being in the County of Carver and State of Minnesota known and des-
cribed as follows, viz: Commencing at the southeast corner of Lot No. Six
(6), Block No. Four (4) of Young America Village; running thence north
along Fourth Street 150 feet; thence west parallel with Main Street 50
feet; thence south parallel with Fourth Street 150 feet to a point in
the south line of Lot Six (6); thence along Main Street 50^{feet} to place of
beginning, the whole being situated in and being part of Lots Six (6), Seven
(7), and Eight (8) of Block Four (4) of the Village of Young America, and
that the defendants have no right, title, estate, or interest in or to said
premises.

Dated *June 5th* 1907.

By the Court,

H.O. Muehlberg Clerk.

State of Minnesota,

County of

Carver

District

Court.

Albert Gutzke

vs.

Plaintiff,

Dorothea Gnade et al.

Defendants.

Judgment

Due and personal service of the within

admitted

this day of 19

Attorney for

CARVER COUNTY,
FILED

JUN 5 1907

H.O. Muehlberg

Attorney for

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

(483)

State of Minnesota,

County of

ss.

being first duly sworn upon oath deposes and says

in said County and State, on the

19

he served the within

upon

the

therein named, personally, by

leaving with said

at the house of the usual abode of said

with

a person of

suitable age and discretion, then resident therein, a true and correct copy of said

that said

is to affiant well known to be the same

as the within