

PR 17-603

WILL

FILED
COUNTY COURT
PROBATE DIVISION

APR 24 2017

DOUGLAS COUNTY COURT
OMAHA, NEBRASKA



P00488279C01

**LAST WILL AND TESTAMENT
OF
WILFRED GARTNER**

I, WILFRED GARTNER, a resident of and domiciled in Omaha, Douglas County, Nebraska, do hereby revoke any and all former wills and codicils made by me and declare this to be my last will.

I

I hereby nominate my nephew, HUGH HAMAN, to be the Personal Representative of this will and of my estate. If for any reason said nominee is unable or unwilling to accept said appointment, then I nominate my niece, ELIZABETH HEATHERINGTON, to be Alternate Personal Representative. I request that no Personal Representative hereunder be required to give any bond, and that if notwithstanding this request, any bond is required, no sureties be required thereon, and that said bond be nominal in its amount.

The words "personal representative" as used in this will also denotes any executor, executrix or administrator with the will annexed, and masculine pronouns may also denote the feminine or neuter.

II

Except as to property specifically disposed of herein, I hereby authorize my Personal Representative to sell (including the power to quiet title), lease, mortgage (beyond the tenure of his office), or cash in any and all property belonging to my estate, of every nature and wherever situated, publicly or privately, for cash or on time, without an order of any court, upon such terms and conditions as to him seem best, and for the purpose of paying debts or facilitating the

SBM
ARB

Wilfred Gartner
WILFRED GARTNER, Testator

division and distribution of my estate, or for such other purposes as he may deem advisable, without liability on the part of the purchaser to see to the application of the purchase money; and also to invest any monies of my estate, including the proceeds of any sale which he may make.

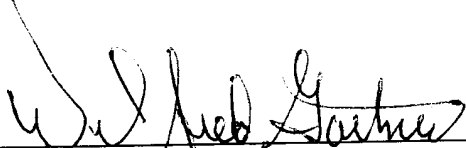
III

I direct that administration expenses, including those of any ancillary administration, funeral charges and all claims properly allowed against my estate shall first be paid. I direct that the Personal Representative of my will pay out of my residuary estate and as part of the expenses of administering my estate, all estate, inheritance, transfer and succession taxes which may be assessed by reason of my death on any property or interest therein included in my gross estate for tax purposes.

IV

I intend to prepare a written list sometime after the execution of this will, describing therein certain items of personal property and designating the person or persons (devisees) who are to receive each of said items of personal property at the time of my death. The list is to be in existence at the time of my death. The list will be made pursuant to Section 30-2338 of the Nebraska Probate Code, will be entitled "Disposition of Certain Items of Personal Property", will be dated, and will be signed by me. I reserve the right, however, to alter, change or modify the list at any time before my death, or to destroy it, or any subsequent list, completely so that it will be of no force and effect whatsoever.

SBM
AKS



WILFRED GARTNER, Testator

V

I specifically give, devise and bequeath \$75,000 to SAMUEL MERRITT UNIVERSITY, Podiatric Medicine Program, 3100 Telegraph Avenue, Oakland, California 94609; \$10,000 to DUNDEE PRESBYTERIAN CHURCH, 5312 Underwood Avenue, Omaha, Nebraska 68132; \$25,000 to my ex-wife, LORY GARTNER, 620 W. Lincoln Street, #N205, Papillion, Nebraska 68046; \$2,500 to JIM KAUFMAN, Omaha, Nebraska; \$5,000 to LEUKEMIA & LYMPHOMA SOCIETY, 12100 W. Center Road, #202, Omaha, Nebraska 68144.

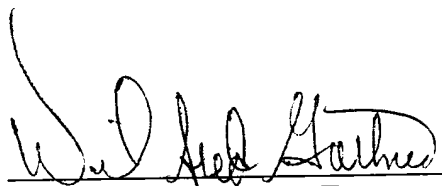
VI

Subject to the foregoing, I give all of my remaining property of whatever kind and nature and wherever situated to my nephew, HUGH HAMAN, 4905 Lantana Lane, Edina, Minnesota 55435, and my niece, ELIZABETH HEATHERINGTON, 1570 Bavarian Shores Drive, Chaska, Minnesota 55318, in equal shares, share and share alike. If my nephew, HUGH HAMAN, does not survive me, then I give his share to my niece, ELIZABETH HEATHERINGTON. If my niece, ELIZABETH HEATHERINGTON, does not survive me, then I give her share to my nephew, HUGH HAMAN. If all my issue are deceased and no other disposition is directed by this Will, then and in that event the then remaining property of this Will shall be paid over and distributed to such persons as would be determined to be my heirs-at-law had I died intestate under the statutes of descent of the State of Nebraska.

VII

This will was signed by me on this 21st day of April, 2016, at Omaha, Nebraska, each page also having been signed by me.

SBM
ARB


WILFRED GARTNER, Testator

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

We, WILFRED GARTNER, Sheryl B Mango and Dawn R. Bostick, the Testator and the witnesses, respectively, whose names are signed to the foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the Testator signed and executed the instrument as his last will and that he had signed willingly and that he executed it as his free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the Testator, signed the will as witness and that to the best of their knowledge the Testator was at that time eighteen or more years of age and was of sound mind and under no constraint or undue influence.

Wilfred Gartner
WILFRED GARTNER, Testator

Sheryl B Mango
Witness

Dawn R Bostick
Witness

Subscribed, sworn to, and acknowledged before me by WILFRED GARTNER, the Testator, and subscribed and sworn to before me by the above-named witnesses, this 21st day of April, 2016.

David J. Myers
Notary Public



DISPOSITION OF CERTAIN ITEMS OF PERSONAL PROPERTY
(LAUNDRY LIST)

On my death and irrespective of the terms of my Will, it is my desire to give the following items of personal property to:

<u>Name</u>	<u>Description of Property</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____

Dated this _____ day of _____, 20__.

ADDITIONAL RULES FOR MAKING A “LAUNDRY LIST”

What is a “Laundry List”?

A laundry list (also referred to as a Disposition of Certain Items of Personal Property) is a written statement or list which you make in which you give personal property to any individuals that you may desire. In the list you can only give tangible personal property. Tangible personal property is property which can be physically touched.

To be legally binding there are a number of rules which you must follow.

Rules

1. The list must be in writing. This can be handwritten or typed.
2. The Will or Trust Agreement must refer to the list. This can be a specific reference to a specific list or it can be a general reference to making a list.
3. The list cannot give any real estate.
4. It cannot give any of the following:
 - A. Money.
 - B. Evidences of indebtedness. For example, a promissory note **cannot** be covered by this type of list.
 - C. Documents of title. For example, an automobile or a warehouse receipt for grain is not covered by this list.
 - D. Securities. For example, stocks or bonds cannot be covered by this type of list.
 - E. Property used in a trade or business. For example, the law books of a lawyer, surgical tools of a doctor, and the heavy equipment of a contractor cannot be covered by this type of list.
5. This list must contain the date it was signed or written. There are some exceptions, but please date the list. We recommend that each page be dated.
6. The writing must be the only list or if there is more than one, the lists must be consistent. For example, you cannot give the same item to different people of the two lists.
7. The entire list must either be in your writing or signed by you. We recommend signing and dating each page.
8. You must describe the items involved with reasonable certainty. Please try to describe the items so that there is no doubt which item is involved. For example, if you have two vases you might describe one vase as my white ceramic vase and the other one as my

imported Italian blown glass vase. Jewelry and rings are another problem area. These must be specifically described because you probably have more than one ring.

9. The list must describe the persons to receive the items with reasonable certainty.

What if there is more than one list?

If there is more than one such list, the later list prevails if there is any inconsistency.

May I alter a list if I have already prepared it?

The list may be altered by you after it was prepared only if you initial and date each change. The date should be placed next to your initials. We also recommend signing and dating each page again if there is a change on that page. You might write something like this:

I made the changes initialed above on _____, 20____.

SIGNATURE

Where do I store the list?

You should store the list with your Trust Agreement or Will or with a copy of your Trust Agreement or Will so that we know that the list is the list that you intended to use.

Do I have to make this list?

No, it is your choice. You can change your mind at any time. You are not required to make this list. The list may be made at any time, either before or after you make your trust agreement. You may change your mind and destroy the list at any time.

What form do I use?

You may use any form which you would like to use as long as you comply with the rules listed above. You must make the list legible. Remember, we must be able to read the list. If we cannot understand the list, it is no good.

LAST INSTRUCTION TO FAMILY

Your estate planning should include a confidential written or tape recorded message to your family, to be read or played only upon confirmation of your death. Your messages to your loved ones might also include words of comfort and affection, and even your life history. Be sure to include information about the following topics:

- A. Location of Important Records and Documents – SAFE AT HOME OR SAFE DEPOSIT BOX?**
Explain the content and location of your important papers, including: Your Will and Trust (original and copies); Securities and Investments (stocks, bonds, partnership, interests, institutions where held and account numbers, etc.); Insurance policies (policy numbers, issuing companies, beneficiaries); Business and Partnership Agreement (type, location, individual familiar with documents); Power of Attorney (to whom given; Documents Portfolio and its contents; Letter Distributing Personal Effects; Affidavits (sworn statement clarifying property ownership between spouses or family members, to help eliminate disputes over disposition of assets, etc.).
- B. Burial Arrangements**
Location of burial plot (including pre-paid burial plans); funeral arrangements and services (including persons attending and participating): _____.
- C. Special Requests for Funeral**
Hymns, songs or poems you prefer; any personal wishes about the service, cremation, or any other personal wishes: _____.
- D. Incapacitation; Medical Care**
Instructions to family and physician in case of physical or mental incapacity and your resulting inability to handle personal and business matters; location of Living Will (which prevents expensive and prolonged medical care in terminal illness cases).
- E. Professional Advisors & Services**
Name and address of the professional advisers, including your Attorney, Accountant, Insurance Agents, Financial Planner, and Banker should all be noted on your Personal Information Schedule.
- F. Disposition of Certain Assets**
Explain which assets, such as real estate or securities, should be held or liquidated, and the professional advisers competent to help.
- G. Special Advice to Family Members**
Advise family about careful Preservation and Investing of Estate; recommendations about Professional Advisers; discuss legal and practical implications of your spouse's remarriage; advise and encourage family to set Personal Goals, etc.