

IN THE COUNTY COURT OF SARPY COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE OF

) Case No. PR 17- 258

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APPLICATION FOR INFORMAL
PROBATE OF WILL AND
INFORMAL APPOINTMENT
OF PERSONAL REPRESENTATIVE

DONALD J. NEITZEL, Deceased.

FILED BY THE CLERK
SARPY COUNTY COURT
2017 AUG 10 AM 10:29

APPLICANT STATES:

1. Applicant, the nominated Personal Representative in the Last Will and Testament and an interested person as defined by the Nebraska Probate Code Section 30-2209(21).
2. Donald J. Neitzel died June 10, 2017, at the age of eighty-eight (88) years while domiciled in Sarpy County, Nebraska.
3. Venue for this proceeding is proper in this county because the Decedent was a domiciliary of this county at the date of death.
4. No Personal Representative has been appointed in this state or elsewhere.
5. Applicant has not received a Demand for Notice and is unaware of any demand for notice of any probate or appointment proceeding concerning the Decedent that may have been filed in this state or elsewhere.
6. The Decedent's Will, dated November 5, 1982, with no Codicil, is attached to this Application and incorporated by reference herein.
7. The Applicant, to the best of Applicant's knowledge, believes the will dated November 5, 1982, with no Codicil(s), to have been validly executed, and after the exercise of reasonable diligence, the Applicant is unaware of any instrument revoking the Will and Codicil(s), and believes that said Will, without Codicil(s), constitutes Decedent's last Will.
8. Applicant nominates Todd William Neitzel as Personal Representative, who is qualified and whose status of priority is the son of the Decedent and person nominated in the Will as Personal Representative. Rose Marie Neitzel who is named as Personal Representative in the Will is deceased. Other individuals having prior or equal right to appointment are: none. The nominated Personal Representative is neither indebted to the estate nor a creditor of the estate.
9. No bond is required because the Will waives bond.



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10. The name, relationship, and address of Decedent's, heirs, devisees, and other interested parties, and ages of those who are minors, and those who are incompetent so far as known or ascertainable by reasonable diligence by Applicant, are:

Todd William Neitzel – Son
7714 Meadow Lane
La Vista, NE 68128

Donald James Neitzel - Son
PO Box 263
Springfield, NE 68059

Gary Lee Neitzel – Son
13005 Capehart Road
Springfield, NE 68059

Larry Jay Neitzel – Son
PO Box 534
Springfield, NE 68059

NDHHS – Interested Party
P.O. Box 95026
Lincoln, NE 68509-5026

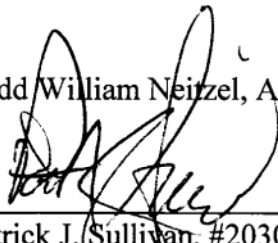
11. Decedent had no change of marital status and no children were born to the Decedent nor adoption of any children after execution of the Will; no child of the Decedent has been born since Decedent's death; and no birth of a child of the Decedent is anticipated.

WHEREFORE, Applicant requests that the Registrar issue a written Statement of Informal Probate; that the above nominee be informally appointed the Personal Representative without bond; that the administration of the estate be unsupervised; and that letters of appointment be issued to said Personal Representative.

DATED this 9th day of August 2017.

Todd William Neitzel, Applicant,

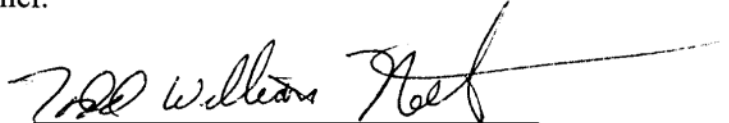
BY:



Patrick J. Sullivan, #20303
Adams & Sullivan, P.C., L.L.O.
1246 Golden Gate Drive, Suite 1
Papillion, Nebraska 68046
Telephone: (402) 339-9550
Facsimile: (402) 339-0401
E-mail: sullivan@adamsandsullivan.com
ATTORNEY FOR APPLICANT

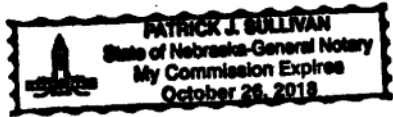
STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

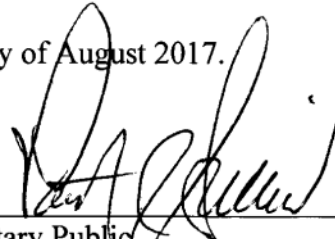
Todd William Neitzel, the undersigned, being first duly sworn on oath, deposes and says that the undersigned is the Applicant named in the foregoing Application, that the undersigned has read it, knows the contents therein, and that the facts therein contained are accurate and complete to the best of the undersigned's knowledge and belief.



Todd William Neitzel

Subscribed and sworn to before me on the 9th day of August 2017.





Notary Public

LAST WILL AND TESTAMENT

OF

DONALD J. NEITZEL

2017 AUG 10 AM 10:29

FILED BY THE CLERK
SARPY COUNTY COURT

I, DONALD J. NEITZEL, of Springfield, Sarpy County, Nebraska, being of sound mind and disposing memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking any and all other papers being or purporting to be my Last Will and Testament or any and all Codicils thereto.

I.

My wife's name is ROSE MARIE NEITZEL, and all references herein to my wife are to her. My children now living are DONALD JAMES NEITZEL, GARY LEE NEITZEL, LARRY JAY NEITZEL and TODD WILLIAM NEITZEL. All references hereto to "child" or "children" shall include the above-named children.

II.

I desire and direct that all my debts, including funeral expenses and costs of administration, be paid. All estate, inheritance and any other taxes incident to the estate, upon the distribution thereof, shall be paid by my Personal Representative from estate funds without right of contribution or reimbursement.

Donna Ingram
WITNESS

Donald Neitzel
TESTATOR

Donald J. Neitzel
WITNESS



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III.

If my wife survives me by thirty (30) days, I give, devise and bequeath to her all of the rest, residue and remainder of my property, real, personal or mixed, of which I may die seized or possessed, or to which I may have been entitled at the time of my death, including any property over which I may have a power of appointment.

IV.

If my wife does not survive me by thirty (30) days, I give, devise and bequeath all of the rest, residue and remainder of my property, real, personal or mixed, of which I may die seized or possessed, or to which I may have been entitled at the time of my death, including any property over which I may have a power of appointment, to my children, DONALD JAMES NEITZEL, GARY LEE NEITZEL, LARRY JAY NEITZEL and TODD WILLIAM NEITZEL, share and share alike, or to their issue per stirpes.

V.

If my wife and I die in a common disaster, under such circumstances that it cannot reasonably be determined which of us died first, it shall be presumed that my wife survived me for purposes of this Will.

VI.

I hereby appoint my wife, ROSE MARIE NEITZEL, as Personal Representative of this, my Last Will and Testament.

Donna Ingram
WITNESS

Ronald Neitzel
TESTATOR

Ronald L. Neitzel
WITNESS

In the event that she should predecease me, or in the event that she should fail to qualify or refuse to serve after qualifying, then I hereby appoint my son, TODD WILLIAM NEITZEL, as Personal Representative of this, my Last Will and Testament.

VII.

I direct that no Personal Representative named herein shall be required to give bond, and that if, notwithstanding this direction, any bond is required by law, statute or rule of the Court, no sureties be required thereon.

VIII.

I give my Personal Representative or successor, in addition to and not in limitation of the power and authority granted by law, the fullest power and authority in all matters and questions to do all acts which I might or could do if living, including, without limitation, complete power and authority to invest and reinvest any funds in my estate in any property, of any kind or nature, without being limited or restricted to investments prescribed or authorized for Personal Representatives by the laws of Nebraska or any other State; to hold and retain any part of my estate in the form in which the same may be at the time of my decease; to sell any assets, at public or private sale, for cash or credit, with or without security; to borrow money with or without security; to mortgage, lease and dispose of and

Donna Ingram
WITNESS

Ronald Mitzel
TESTATOR

Ronald Rosenberg
WITNESS

distribute in cash or in kind upon any division of my estate all property, real and personal, at such times and upon such terms and conditions as the Personal Representative may determine; and to make any tax elections available to her, including executing and filing or join with others in executing and filing any tax returns and to take any and all actions with respect to taxation which my Personal Representative deems advisable in her sole discretion.

IN WITNESS WHEREOF, I, DONALD J. NEITZEL, have, to this, my Last Will and Testament, consisting of five typewritten pages, including this page and the page following, subscribed my name this 5 day of November, 1982.

Donald J. Neitzel
DONALD J. NEITZEL

SUBSCRIBED by DONALD J. NEITZEL, the Testator named in the foregoing Will, in the presence of each of us, and, at the time of making such subscription, the above instrument was declared by this Testator to be his Last Will and Testament, and each of us, at the request of this Testator and in his presence and in the presence of each other signed our name as witness thereto.

Donna Ingram of 485 Chestnut Springfield Ver.
WITNESS ADDRESS

Donald L. Kenney of Rt 1 Springfield, No. 68059
WITNESS ADDRESS

STATE OF NEBRASKA)
) SS.
COUNTY OF SARPY)

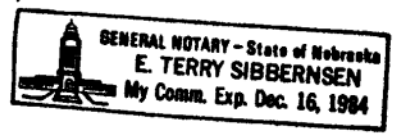
We, DONALD J. NEITZEL, Donna Ingram and Donna I Isenberg,
the Testator and the witnesses, respectively, whose names
are signed to the attached and foregoing instrument, being
first duly sworn, do hereby declare to the undersigned
authority that the Testator signed and executed the instrument
as his Last Will and Testament and that he had signed willingly
or directed another to sign for him, 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 such witness' knowledge, the Testator
was, at that time, eighteen (18) or more years of age or was
not at that time a minor, and was of sound mind and under no
constraint or undue influence.

Donald J. Neitzel
TESTATOR

Donna Ingram
WITNESS

Donna I. Isenberg
WITNESS

Subscribed, sworn and acknowledged before me by DONALD J. NEITZEL,
the Testator and subscribed and sworn to before me by Donna Ingram
and Donna I. Isenberg, witnesses, this 5 day of
November, 1982.



E. Terry Sibbernse
NOTARY PUBLIC

PREPARED AND SUBMITTED BY:

WELSH, SIBBERNSEN & ROACH
2400 South 72nd Avenue
Omaha, Nebraska 68124
(402) 397-2292

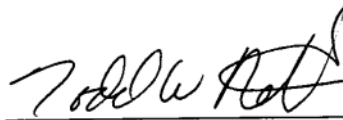
IN THE COUNTY COURT OF SARPY COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE OF) Case No. PR 17- 258
)
) **ACCEPTANCE OF APPOINTMENT**
)
DONALD J. NEITZEL, Deceased.)

The undersigned hereby accepts appointment as Personal Representative of this estate, accepts the duties of said office, and submits personally to the jurisdiction of this Court any proceeding relating to the estate that may be instituted by any interested person, as defined by the Nebraska Probate Code.

DATED this 9th day of August 2017.

FILED BY THE CLERK
SARPY COUNTY COURT
2017 AUG 10 AM 10:29



Todd William Neitzel
7714 Meadow Lane
La Vista, NE 68128
(402) 650-9685

PREPARED & SUBMITTED BY:
Patrick J. Sullivan, #20303
ADAMS & SULLIVAN, P.C., L.L.O.
1246 Golden Gate Drive, Suite 1
Papillion, Nebraska 68046
Telephone: (402) 339-9550
Facsimile: (402) 339-0401
E-mail: sullivan@adamsandsullivan.com
Attorney for Personal Representative



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IN THE COUNTY COURT OF SARPY COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE)
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DONALD J. NEITZEL, Deceased.)

Case No. PR 17- 258

LETTERS OF
PERSONAL REPRESENTATIVE

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THE STATE OF NEBRASKA

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on August 10, 2017, Todd William Neitzel, was appointed and qualified as Personal Representative of the above-named Decedent by this Court or its Registrar, with all the authority granted to a Personal Representative by law;

NOW THEREFORE, these Letters are issued as evidence of such appointment and qualifications and authority of TODD WILLIAM NEITZEL to do and perform all acts which may be authorized by law.

WITNESS, the signature of the Registrar of this Court, and the seal of this Court, on August 10, 2017.


Registrar

(S E A L)



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