

24-1157

WILL OF ALBERT STOLTENBERG

I, ALBERT STOLTENBERG, of near Fort Crook, Sarpy County, Nebraska, hereby revoke all my former wills and codicils and declare this to be my last will.

ITEM I

I name and appoint PHIL LATHAM (whose initials I believe to be J. P.) of Springfield, Nebraska, as Executor of my will and in the event that for any reason he should be unable or unwilling to qualify as my Executor, I then name THE FIRST NATIONAL BANK OF OMAHA.

ITEM II

I hereby direct that my Executor shall pay out of my Estate my legal debts, funeral and testamentary expenses. I request that a decent funeral be provided for me, not an extravagant one, and that a family monument be provided at my burial ground, reasonable in cost. I have endeavored to make provision for the payment of death taxes by the purchase of stocks held in my name and in the names of my three children in joint tenancy with right of survivorship, which was my plan to be used for said purposes, insofar as sufficient. I believe that I have other funds sufficient to pay the balance of my death taxes. In the event the provision for the payment of death taxes is made out of funds of the estate, or substantially equally between my children, I direct that my Executor shall not seek reimbursement from anyone therefor.

ITEM III

I first give and bequeath to the Church organization at whose Church my funeral is held (not funeral home) FIFTY AND NO/100 DOLLARS (\$50.00).

I next give and bequeath to my friend, HENRY F. BARTLE, if he survives me, FIFTY AND NO/100 DOLLARS (\$50.00).

ITEM IV

I have the same love and affection for each of my children and for their families and if there appear to be some differences in the

s/ John R. Barton

Witness

s/ Raymond M. Crossman, Sr.

Witness

s/ Albert Stoltenberg

TESTATOR

Entered in Commercial Index and Recorded in the Register of Deeds office in Sarpy County, Nebraska
24 day 11 1957. 11:42 AM. Esther Buff, County Clerk. 3.50

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in the value of the properties which I give to them respectively, such differences are due to conditions and facts to which I have given full and careful consideration, and which, in the final event, I believe to be for their best interests.

ITEM V

I give and bequeath my personal property to my three children, if they survive me, in the following percentages:

- To my son, ARTHUR H. F. STOLTENBERG. . . . 36%
- To my daughter, MABEL M. STEENBOCK 32%
- To my daughter, LILLIAN E. STEENBOCK. . . . 32%

and if they be unable to agree upon the physical division thereof, then the same shall be sold by the Executor, to whom I give full power, and the proceeds of the sale divided among them in the same percentages.

ITEM VI

I give and devise the following real estate to my son, ARTHUR H. F. STOLTENBERG, absolutely:

The North Half of Northwest Quarter of Section Twenty and the Northeast Quarter of Section Twenty, Township Thirteen North of Range Thirteen East, in Sarpy County, Nebraska;

and I further give and devise unto him:

The Southeast Quarter of Section Sixteen in Township Thirteen North, of Range Twelve East, in Sarpy County, Nebraska;

for his lifetime, with remainder share and share alike to such of his issue as may be living at the time of my death.

ITEM VII

I give and devise the following described real estate:

The Southeast Quarter of Section Sixteen in Township Thirteen North, of Range Eleven East, in Sarpy County, Nebraska,

unto my daughter, MABEL M. STEENBOCK, for life, and I give and devise the following real estate unto her husband, my son-in-law, HANS P. STEENBOCK, for life:

The Southeast Quarter of Section Eight in Township Fourteen North, of Range Twelve East, in Douglas County, Nebraska,

remainder in each instance to be to the issue of my daughter, MABEL

s/ John R. Barton
Witness

s/ Albert Stoltenberg
TESTATOR

s/ Raymond M. Crossman, Sr.
Witness

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M. STEENBOCK, share and share alike, at the time of my death, or if there be but one, then all unto said issue.

ITEM VIII

I give and bequeath the following described real estate:

The Northeast Quarter of Section Eight in Township Thirteen North, of Range Eleven East, in Sarpy County, Nebraska

unto my daughter, LILLIAN E. STEENBOCK, and the following real estate

unto her husband, my son-in-law, ADOLPH H. STEENBOCK:

The West Half of the Southeast Quarter and the East Half of the Southwest Quarter of Section One in Township Thirteen North, of Range Ten East, in Sarpy County, Nebraska

each devise to the devisee for said devisee's life, remainder over in both cases to the issue of my said daughter, in the event she leave issue, otherwise remainder over in equal shares unto my son, ARTHUR H.F. STOLTENBERG, and my daughter, MABEL M. STEENBOCK.

ITEM IX

In the event at anytime during the existence of any of the life estates created by this will, the life tenant or tenants respectively shall not pay the taxes before they become delinquent, keep the proper insurance in full force and effect, maintain and repair the property, or permit waste, it shall be the right and duty of any person holding title to such property in remainder, to institute an action in a court of competent jurisdiction to require that said duties be performed, or in the event of failure so to do, require security for the performance of the same, or to exercise such other legal rights as they may have in the premises.

ITEM X

In this will, I have devised two farms to each of my children. I realize that my wife, CHRISTINA K. STOLTENBERG, has the right, should she survive me, to elect to take her distributive share of my estate under the laws of Nebraska. Should she so elect, I direct that this will stand, as is, and that the distributive share of my said wife be awarded to her out of the first farm in Item VI, the second farm in Item VII and the second farm in Item VIII.

s/ John R. Barton

Witness

s/ Raymond M. Crossman, Sr.

Witness

s/ Albert Stoltenberg

TESTATOR

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ITEM XI

I hereby direct and order that if any devisee or legatee under this will shall contest this will, such contestant or contestants shall thereby automatically forfeit any and all provision for them in said will contained, and the legacy or bequest therein made for such contestant or contestants shall lapse and become a part of the residue of my estate and be subject to disposition provided for said residue. I further order and direct that any legatee or devisee receiving a legacy or devise under this will shall receive same in full payment of all claims, if any, against me or my estate for services rendered to me.

ITEM XII

All of the rest, residue and remainder of my estate, both real and personal, of whatsoever kind and wheresoever situated, I give, devise and bequeath unto my three children, ARTHUR, MABEL and LILLIAN, above mentioned:

- ARTHUR 36%
- MABEL 32%
- LILLIAN 32%

In event any of them have predeceased me leaving issue or descendants the share which my said children would have received if living shall go and descent to his or her issue or descendants, per stirpes and not per capita. In event any of my said children shall have predeceased my leaving no issue or descendants, the share which said child would otherwise have received shall go and descend to my remaining children or their descendants per stirpes and not per capita.

IN WITNESS WHEREOF, I have hereunto set my hand this 10 day of March, 1955, in the City of Omaha, Douglas County, Nebraska.

s/ John R. Barton
Witness

s/ Albert Stoltenberg
TESTATOR

s/ Raymond M. Cross, Sr.
Witness

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The foregoing instrument, consisting of five typewritten pages, this page and the next page included, was signed, published and declared by the Testator to be his last will in the presence of us, who, at his request, in his presence and in the presence of each other, have hereunto subscribed our names as witnesses thereto this 10th day of March, 1955, in the City of Omaha, Douglas County, Nebraska.

s/ John R. Barton
1010 First Nat'l. Bank Bldg.
Address Omaha, Nebraska

s/ Raymond M. Crossman, Sr.
1010 First Nat'l. Bank Bldg.
Address Omaha 2, Nebraska

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FIRST CODICIL TO WILL

OF

ALBERT STOLTENBERG

I, ALBERT STOLTENBERG, of near Ft. Crook, Sarpy County, Nebraska, hereby make, publish and declare this to be the first codicil to my will of March 10, 1955, and do hereby further provide as follows:

I declare and provide that Item I be revised to read as follows:

"ITEM I

"I name and appoint J. P. LATHAM of Springfield, Nebraska, as Executor of my will. In the event that, for any reason, he should be unable or unwilling to qualify, I name and appoint ALOIS GRAMLICH of near Ft. Crook, Nebraska, as my Executor. If, for any reason, both who have been named should be unable or unwilling to qualify as my Executor, I then name THE FIRST NATIONAL BANK OF OMAHA."

I hereby revoke Item I as contained in my said will.

All of the remaining provisions of my said will of March 10, 1955, except as herein expressly modified, shall be, remain and continue in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of March, 1955, in the City of Omaha, Douglas County, Nebraska.

s/ Raymond M. Crossman, Sr.
Witness

s/ Albert Stoltenberg
TESTATOR

s/ John R. Barton
Witness

The foregoing instrument, consisting of one typewritten page, was signed, published and declared by the Testator to be the first codicil to his will of March 10, 1955, in the presence of us, who, at his request, in his presence and in the presence of each other, have hereunto subscribed our names as witnesses hereto this 18th day of March, 1955, in the City of Omaha, Douglas County, Nebraska.

s/ Raymond M. Crossman, Sr.
1010 First Nat'l. Bank Bldg.
Address: Omaha 2, Neb.

s/ John R. Barton
1010 First Nat'l. Bank Bldg.
Address: Omaha, Nebraska

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IN THE COUNTY COURT OF SARPY COUNTY, NEBRASKA

In the Matter of the Estate of } Book 5 Page 301 No. 2988
ALBERT STOLTENBERG, }
Deceased. } DECREE ON FINAL ACCOUNT

Now, on this 19th day of March, 1959 at 2:00 P. M. having been continued from 10:00 A. M. on this date, this cause coming on to be heard on the petition of James P. Latham, Executor of the will and codicil of Albert Stoltenberg, deceased, for a final settlement of the estate of said Albert Stoltenberg, deceased, on the final administration account of James P. Latham, said Executor of said Estate, and the evidence was submitted to the Court, on consideration whereof the Court finds:

That, on the 24th day of February, 1959 James P. Latham, Executor of the estate of Albert Stoltenberg, deceased, filed in this Court his final administration account as such Executor, and a petition praying that said account be settled and allowed, that said estate be distributed as required by law, that he be discharged from his trust as Executor, and that for these purposes a time and place be assigned for hearing said petition, and examining and settling said account, and that such notice be given as the law directs.

That, on the 24th day of February, 1959 an order of this court was made assigning the 19th day of March, 1959 at 10:00 A. M. in the County Courtroom of Sarpy County, Nebraska, as the time and place for hearing said petition and examining and settling said account, and requiring that notice of said hearing be given to all persons interested by publishing a notice thereof in the Papillion Times, a newspaper printed and in general circulation in said county, for three successive weeks prior to the day of said hearing.

That, notice of the hearing has been duly given as required by the order of this Court, proof of publication thereof is on file, and affidavit of mailing of said notice is on file.

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That the said account, and all interim accounts, and all interim orders are in all respects true and correct and should be and the same are hereby confirmed.

That due notice to creditors has been given.

That all claims allowed against said estate have been fully satisfied; and

That said estate is fully solvent.

That no itemized statement of cash receipts and disbursements has been filed by reason of the agreement of all beneficiaries; that all expenses of administration have been or will under the agreement of the beneficiaries be paid; that all taxes including current 1959 personal taxes and ¹⁹⁵⁸ real estate taxes have been paid; that all state inheritance taxes, federal estate taxes, and state estate taxes have been fully paid, and evidence of said is on file in these proceedings; that family monument has been provided as set forth in the will, and that an order has been entered barring claims.

That by an arrangement made between your Executor and the immediate principal beneficiaries as of August 1, 1958, the estate having been fully administered except for the final closing letter in connection with the federal estate tax, the real estate was turned over by the Executor to those entitled to have possession and title under the will, subject however, to any claim for deficiency upon the federal estate tax, in which there was none, and which possession was thereby confirmed, your Executor filing the federal income tax return for the estate for the period January 1 to July 31, 1958 and each of the beneficiaries filing their returns as to said property, together with their other property, covering the period August 1 to December 31, 1958.

That the bequest made by the decedent in Item III of the will have been fully paid.

That the contingent provision made in the will of the decedent, in the event his wife, Christina K. Stoltenberg, should elect out from under his will, did not become effective for the reason, his wife, died on April 23, 1957 without having exercised such right.

That the provision made in Item V of the will by the decedent for distribution of his personal property to his three children did not become effective for the reason that there was no net personal property to be distributed to them.

That after completing the record of this cause there will be due this court for costs of administration the sum of \$ 236.10, and that after paying said costs the Executor will have in his hands the sum of \$ 2,333.39 in cash.

That by the terms of the last will and testament of said Albert Stoltenberg, deceased, title to the real estate and right of possession thereof should now be further ratified and confirmed as follows: In accordance with Item VI, unto his son, Arthur H. F. Stoltenberg, who survived him, the following absolutely:

The North Half of the Northwest Quarter of Section 20 and the Northeast Quarter of the Northeast Quarter of Section 19 in Township 13 North of Range 13 East in Sarpy County, Nebraska

And further unto the said Arthur H. F. Stoltenberg for his lifetime:

The Southeast Quarter of Section 16 in Township 13 North of Range 12 East in Sarpy County, Nebraska

with remainder share and share alike to his issue living at the time of decedent's death, who were and now are the sons of Arthur H. F. Stoltenberg, George A. Stoltenberg, now age 24, and Gene A. Stoltenberg, now age 13.

In accordance with Item VII, unto the decedent's daughter, Mabel M. Steenbock, for life:

The Southeast Quarter of Section 16, in Township 13 North, Range 11 East in Sarpy County, Nebraska

remainder over to her issue at the time of decedent's death, who was and is Marie Lucille Steenbock, now age 23; and further unto Hans P. Steenbock, the husband of Mabel M. Steenbock, for life:

The Southeast Quarter of Section 8, in Township 14 North, Range 12 East in Douglas County, Nebraska

remainder over unto the issue of decedent's daughter, Mabel M. Steenbock at the time of decedent's death, who was and is Marie Lucille Steenbock, now age 23.

In accordance with Item VIII, unto decedent's daughter, Lillian E. Steenbock:

The Northeast Quarter of Section 8, in Township 13 North of Range 11 East in Sarpy County, Nebraska

for life, remainder unto the issue of said daughter upon her decease in the event she leaves issue, otherwise remainder over in equal shares unto Arthur H. F. Stoltenberg and Mabel M. Steenbock, both of whom survived the decedent.

And unto Adolph H. Steenbock, husband of Lillian E. Steenbock:

The West Half of the Southeast Quarter and the East Half of the Southwest Quarter of Section 1, in Township 13 North of Range 10 East in Sarpy County, Nebraska

remainder over to the issue of said daughter, Lillian E. Steenbock, upon her decease, in the event she leaves issue, otherwise remainder over in equal shares unto Arthur H. F. Stoltenberg, and Mabel M. Steenbock, both of whom survived the decedent.

That since the filing of the final report of the Executor it appears that Lots 26 and 28, Westmoreland, an Addition within the City of Omaha, Douglas County, Nebraska, have not been disposed of by the Executor, and that therefore title to this property and the right of possession thereof be vested as residus under Item XII of the decedent's will in the following interests:

To Arthur H. F. Stoltenberg, an undivided 36 per cent thereof.
To Mabel M. Steenbock, an undivided 32 per cent thereof.
To Lillian E. Steenbock, an undivided 32 per cent thereof.

That any residus and remainder of cash in the hands of the Executor after the payment of all final items of administration should be distributed in equal shares unto:

Arthur H. F. Stoltenberg
Mabel M. Steenbock
Lillian E. Steenbock

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That all of the joint property shown in the inventory and amended inventories was delivered unto the survivors of the decedent respectively entitled to the possession of the same.

That deceased left surviving him as his sole and only heirs at law the following named persons and related to deceased as set opposite each:

Christina K. Stoltenberg, widow
(who died on April 23, 1957 without
claiming interest in the estate of
the deceased.)
Arthur H. F. Stoltenberg, son
Mabel M. Steenbock, daughter
Lillian E. Steenbock, daughter

none of whom, however, take any interest in the property identified and administered in the estate proceedings as heirs because of the provisions of the will of the deceased.

WHEREFORE IT IS ORDERED AND CONSIDERED BY THE COURT,

That the said final administration account and all interim accounts and all interim orders are now settled, allowed, approved and confirmed.

That the Executor pay the said costs herein taxes at \$ 230.10 .

That the Executor pay in equal shares any remaining balance of cash unto

Arthur H. F. Stoltenberg
Mabel M. Steenbock
Lillian E. Steenbock

there being no other or further personal property belonging to the estate to be distributed.

That the real property remaining, in which the Testator died seized, as above described, is hereby assigned to the persons entitled thereto as devisees under the will of the deceased as hereinabove specifically set forth.

That the Executor be authorized and empowered to execute and deliver all such instruments as may be necessary and required to carry this final decree into full effect.

That upon payment of the said costs of administration, and the payment of the money as aforesaid, and upon the return of the

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proper vouchers and report of his doings under this decree, and upon the approval of the same by this Court, James P. Latham as Executor be discharged and his bond exonerated.

SEAL

s/ Jos. E. Strawn
County Judge

Filed March 19, 1959
Jos. E. Strawn
County Judge
Papillion, Nebraska

24-469

IN THE COUNTY COURT, OF THE COUNTY OF SARPY, STATE OF NEBRASKA
(Certified Copy of Record)

STATE OF NEBRASKA } ss.
County of Sarpy

I, Jos. E. Strawn Judge of the County Court of the County of Sarpy, State of Nebraska, do hereby certify that I have compared the foregoing copies of

LAST WILL AND TESTAMENT,
FIRST CODICIL
and
DECREE ON FINAL ACCOUNT

IN THE MATTER OF THE ESTATE OF ALBERT STOLTENBERG, Deceased

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with the original records thereof, now remaining in said Court; that the same are correct transcripts thereof, and of the whole of said original records.

In Witness Whereof I have hereunto set my hand and affixed the seal of said County Court in Papillon, County of Sarpy, State of Nebraska, on this 24th day of March A.D., 1959



JOS. E. STRAWN
Judge of the County Court

By Velma Christensen
Clerk of the County Court