

IN THE COUNTY COURT OF SAUNDERS COUNTY, NEBRASKA

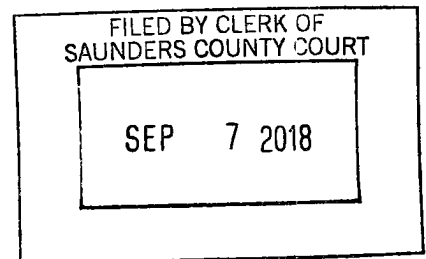
IN THE MATTER OF THE ESTATE OF )  
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)  
DONALD WILLIAM WOITA, Deceased. )

NO. PR 18-70

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

APPLICANTS STATE:

1. Applicants, children of the Decedent are interested persons as defined by the Nebraska Probate Code section 30-2209(21).
2. The name of the decedent is Donald William Woita and he died on July 27, 2018. He was 81 years old at his date of death and he was domiciled in Saunders County, Nebraska. The statutory limit for informal appointment has not expired.
3. Venue for this proceeding is proper in this County because 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. Applicants have not received a demand for notice and are 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 September 8, 1972 and Codicil dated January 7, 1981 accompanies this Petition and is hereby filed with this court and offered for probate.
7. Applicants, to best of their knowledge, believes the Will dated September 8, 1972 and Codicil dated January 7, 1981 to have been validly executed, and after the exercise of reasonable diligence, the Applicant is unaware of any instrument revoking the Will, and believes that said Will constitutes Decedent's last Will.



8. The Personal Representative named in the Will is deceased and the alternates, William "Bill" L. Woita and Margaret Massa have renounced their right to be named as Personal Representative. Applicants nominate themselves, Bruce A. Woita, Denise M. Dallas, Diane L. Znamenacek and Bryan D. Woita as co-Personal Representatives who are qualified and whose status of priority is as children of the deceased. The co-Personal Representatives are neither indebted to the estate nor a creditor of the estate.

9. No bond is required as indicated in the Will.

10. The names, relationship and addresses of Decedent's children, 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 Petitioner, are as follows:

Bruce A. Woita, son	640 Oak Rd Valparaiso, NE 68065
Bryan D. Woita, son	650 County Rd 25 Valparaiso, NE 68065
Diane L. Znamenacek, daughter	820 Glacier Trail Lincoln, NE 68522
Denise M. Dallas, daughter	7900 Upton Grey Lane Lincoln, NE 68516
Medicaid Estate Recovery	NE Health and Human Services P.O. Box 95026 Lincoln, NE 68509

11. Decedent had no change of marital status or the birth of adoption of any children after execution of the Will.

WHEREFORE, Applicant requests that the Registrar issue a written Statement of Informal Probate, that the above nominee be informally appointed 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 5 day of Sep, 2018.

STATE OF NEBRASKA )  
 ) SS:  
COUNTY OF SAUNDERS )

Bruce A. Woita, Denise M. Dallas, Diane L. Znamenacek and Bryan D. Woita, the undersigned, being first duly sworn on oath, depose and say that the undersigned are the Applicants named in the foregoing Application, that the undersigned have read it, know the contents therein, and the facts therein are accurate and complete to the best of the undersigned's knowledge and belief.

Bruce A. Woita  
Bruce A. Woita

Denise M. Dallas  
Denise M. Dallas

Diane L. Znamenacek  
Diane L. Znamenacek

Bryan D. Woita  
Bryan D. Woita

SUBSCRIBED AND SWORN to before me on <sup>Sep</sup> ~~August~~ 5, 2018

Ken Dudek  
Notary Public



Prepared by: Ken Dudek  
1120 K St., Ste 200  
Lincoln, NE 68508  
402 476-6583

# Last Will and Testament of

DONALD WILLIAM WOITA

PR18-70

I, Donald William Woita, of Valparaiso, Saunders County, Nebraska, being of lawful age and of sound and disposing mind and memory, aware of the uncertainty of life and the certainty of death, and desiring to make a proper and equitable distribution of my property at my decease, do make, ordain, declare and publish this to be my Last Will and Testament, hereby revoking any and all former wills, codicils, or parts of wills by me at any time heretofore made.

## I

It is my will and I direct that all my just debts and funeral expenses and the costs of administration of my estate be first paid.

## II

I hereby give, devise and bequeath to my beloved wife, Carolyn Woita, the entirety of my estate, real, personal or mixed, of every kind, character and description, wherever the same may be found.

## III

In the event that my wife shall have predeceased me, then, and in that event, I do hereby give, devise and bequeath to my beloved children Bruce A. Woita, Bryan D. Woita, Diane L. Woita and Denise M. Woita, the entirety of my estate, real, personal or mixed of every kind, character and description, wherever the same may be found, on an equal, share and share alike basis, subject to the trust provisions for children under age twenty-one, set out in Section V. below.



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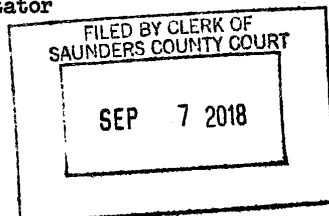
## IV

In case my wife and I should meet our deaths in a common disaster, or during a joint last illness, or under such circumstances that the order of our deaths cannot be ascertained, and even though one of us should survive the

Donald W. Woita  
Testator

Witnesses:

Willis G. Yoese  
Rachel Yoese



other for a short period of time but not long enough to either make a different disposition of our property or to probate this will, I hereby give, devise and bequeath all of my property, real, personal or mixed, wherever situated, to my beloved children, subject to the provisions for a trust for children under twenty-one set out in Section V below.

As to the property, real or personal, which my wife and I hold in joint ownership, with rights of survivorship, I direct that, should the conditions referred to in this section come about, my interest in such property jointly owned by us shall pass under terms of this section to my children as provided in Section III and subject to the provisions for a trust for children under the age of twenty-one set out in Section V below; and the remaining interest in such jointly owned property shall pass under the terms of Section V in the will of my wife made this same day.

V

In the event that my wife has predeceased me and any of our children shall not have attained his twenty-first birthday, then, and in that event, I hereby give, devise and bequeath the entirety of my estate, real, personal or mixed, wherever situated to William "Bill" L. Woita, or if he fails to survive my wife and myself to Margaret Massa, in trust for such child or children under age twenty-one, each child to receive an equal share of the funds remaining in trust when the youngest child attains his twenty-first birthday.

I do hereby give to William "Bill" L. Woita or Margaret Massa full power and authority to invest, use and expend both the principal and interest for the benefit of such children under twenty-one for their clothing, keep, maintenance, education, comfort, burial and other necessary expenses; but said trustees shall not use any of said property in his or her personal investments but shall invest it according to legally approved and prescribed formulas for investment by guardians and fiduciaries. I also request and direct that William "Bill" L. Woita or in the alternative Margaret Massa, be appointed legal guardian of any minor or minors covered by this section of my will and that he exercise the care, custody and control over any such minors.

Witnesses:

Donald W. Woita  
Testator

Willis G. Yoese  
Rachael Yoese

VI

In the event that any of our children shall have predeceased me or my wife, I hereby give, devise and bequeath his or her proportionate share under this will to his or her surviving children by rights of representation per capita or if no such surviving grandchildren exist then to the survivor of survivors of our children.

VII

All the rest, residue and remainder of my estate, real, personal or mixed, of every kind, character and description, wherever the same may be found, I hereby give, devise and bequeath one-half to my parents, William J. and Ella Woita and one-half to the parents of my wife, Otto P. and Lillian Holesovsky.

VIII

I hereby nominate and appoint my beloved wife, Carolyn Woita, as executrix of this my Last Will and Testament and of my estate, and I request that she not be required to furnish bond.

In the event that my wife is deceased or for any other reason is not able to serve as executrix, I do then nominate and appoint as first alternate William "Bill" L. Woita, and as second alternate Margaret Massa, to serve as executor of this my Last Will and Testament and of my estate; and I request that they not be required to furnish bond.

IX

I authorize my executrix, or her successor or successors in office, to sell at public or private sale, without leave or license of any court, with or without notice, any personal property belonging to my estate, or which I may have owned at the time of my death, and to execute all bills of sale or other instruments which may be necessary or convenient in connection therewith.

Witnesses:

Donald W. Woita  
Testator

Willis G. Yoese  
Richard Yoese

IN WITNESS WHEREOF I have subscribed my name this 8<sup>th</sup> day of September, 1972 to these 4 typewritten pages which constitute my Last Will and Testament.

Witnesses:

Willis S. Yoese  
Rachael Yoese

Donald W. Woita  
Testator

We whose names are hereunto subscribed as witnesses do hereby certify that the foregoing instrument was in our presence signed by the testator, Donald William Woita, and by him declared to be his Last Will and Testament, and that we at his request and in his presence, and in the presence of each other, have subscribed our names hereto as witnesses; attesting further that at the time of execution of the Last Will and Testament of said Donald William Woita, he was of sound and disposing mind and memory.

Witnesses:

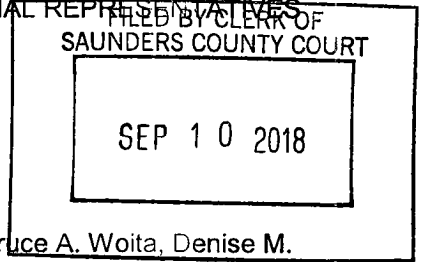
Willis S. Yoese  
Rachael Yoese

IN THE COUNTY COURT OF SAUNDERS COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE OF )  
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DONALD WILLIAM WOITA, Deceased. )

NO. PR 18-70

LETTERS OF CO-PERSONAL REPRESENTATIVES



THE STATE OF NEBRASKA:

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on the 10<sup>th</sup> day of September, 2018, Bruce A. Woita, Denise M.

Dallas, Diane L. Znamenacek and Bryan D. Woita were formally appointed and qualified as co-Personal Representatives of the above named Decedent by this Court Registrar with all of the authority granted to Personal Representatives by law;

NOW, THEREFORE, these Letters are issued as evidence of such appointment and qualification and authority of Bruce A. Woita, Denise M. Dallas, Diane L. Znamenacek and Bryan D. Woita 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 this Court on this 10<sup>th</sup> day of September, 2018.



Diane Wagner  
Registrar



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IN THE COUNTY COURT OF SAUNDERS COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE OF )  
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 )  
DONALD WILLIAM WOITA, Deceased. )

NO. PR 18 - 70

SHORT FORM INVENTORY

The undersigned co-Personal Representatives hereby certify that the following is a true and complete inventory of the property owned by the Dececent at the time of death together with the type and amount of any encumbrance existing with reference to any item.


REAL PROPERTY

1/2 Interest in the NW 1/4 of Section 20, Township 13, Range 6,  
Saunders County, Nebraska

\$ 695,000.00

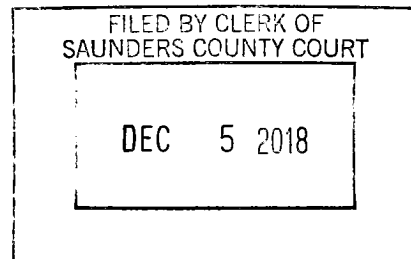
Dated this 30 day of Nov, 2018.

  
\_\_\_\_\_  
co-Personal Representative

  
\_\_\_\_\_  
co-Personal Representative

  
\_\_\_\_\_  
co-Personal Representative

  
\_\_\_\_\_  
co-Personal Representative



IN THE COUNTY COURT OF SAUNDERS COUNTY, NEBRASKA

FILED BY CLERK OF  
SAUNDERS COUNTY COURT  
JUN 4 2019

IN THE MATTER OF THE ESTATE OF )  
)  
)  
DONALD WILLIAM WOITA, Deceased. )

NO. PR 18-70  
ORDER DETERMINING AND  
ASSESSING INHERITANCE TAX  
(DOD 7-27-18)

Upon consideration of the evidence and the Petition for Determination of Inheritance Tax and all supporting documents filed and incorporated by reference, the Court Finds, Orders and Determines that:

1. Bruce A. Woita, Denise M. Dallas, Dinae L. Znamenacek and Bryan D. Woita, the co-Personal Representatives of the above estate have agreed to pay the full inheritance tax and, therefore, notice to interested parties is hereby dispensed with pursuant to Neb. Rev. Stat. Sec. 77-2018.02(5).
2. The County Attorney for each county in which the property described in the Petition is located has executed and filed with Court a Waiver of Notice to show cause, or of time and place of hearing, and has entered a Voluntary Appearance on behalf of Lancaster County and State of Nebraska.
3. The values set forth in the Petition for Determination of Inheritance Tax and the Inheritance Tax Worksheet accurately reflect the total clear market value of the assets listed therein subject to Nebraska inheritance tax; and that all deductions, credits, allowances, exemptions and contributions by survivors to jointly-owned property claimed therein, if any, are proper and are hereby allowed.
4. Inheritance tax is hereby assessed against the following-named parties in the amounts specified:

Beneficiary	Tax Due
Bruce A. Woita	\$ 1,266.25
Denise M. Dallas	1,266.25
Diane Znamenacek	1,266.25
Bryan D. Woita	1,266.25
Total Due	<u>\$ 5,065.00</u>

\$ 5,065.00 shall be paid to the Saunders County Treasurer. The lien of Nebraska inheritance tax shall cease upon payment of the amount of tax as finally determined herein to be due with respect to property described in this proceeding.



5. Court costs are due herein in the amount of \$24.00.
6. Day of Death was July 27, 2018.

Dated this 9 day of June, 2019.

BY THE COURT:

  
County Judge

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on June 5, 2019 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Kenneth Dudek  
janet.reuter@nmhs.org

Bryan D Woita  
650 County Road 25  
Valparaiso, NE 68065

Diane L Znamenacek  
820 Glacier Trail  
Lincoln, NE 68516

Denise M Dallas  
7900 Upton Grey Lane  
Lincoln, NE 68516

NE Health and Human Services  
P. O. Box 95026  
Lincoln, NE 68509

Date: June 5, 2019

BY THE COURT:

*Diane Wagner*



CLERK

MISCELLANEOUS RECEIPT  
COUNTY TREASURER'S OFFICE  
SAUNDERS COUNTY NEBRASKA

ID: 27605

RECEIVED ON: 06/05/2019  
RECEIVED FOR: INHERITANCE TAX - DONALD W WOITA PR18-70  
RECEIVED FROM: ESTATE OF CAROLYN WOITA

INHERITANCE TAX FUND 2700-310-01 INHERITANCE TAX 5,065.00

Receipt Total - 5,065.00

AMBER G SCANLON  
SAUNDERS COUNTY TREASURER

Payment by Check Amber

MISCELLANEOUS RECEIPT  
COUNTY TREASURER'S OFFICE  
SAUNDERS COUNTY NEBRASKA

ID: 27605

RECEIVED ON: 06/05/2019  
RECEIVED FOR: INHERITANCE TAX - DONALD W WOITA PR18-70  
RECEIVED FROM: ESTATE OF CAROLYN WOITA

INHERITANCE TAX FUND 2700-310-01 INHERITANCE TAX 5,065.00

FILED BY CLERK OF  
SAUNDERS COUNTY COURT

JUN 5 2019

Receipt Total - 5,065.00

AMBER G SCANLON  
SAUNDERS COUNTY TREASURER

Payment by Check Amber



P00020229C06