

they are lawfully seized of said premises; that they are free from incumbrance except as stated herein, and that they, the said grantors have good right and lawful authority to sell the same and that they will and their heirs, executors and administrators shall warrant and defend the same unto the grantees named herein and unto their assigns and unto the heirs and assigns of the survivor of them, forever, against the lawful claims of all persons whomsoever, excluding the exceptions named herein.

IN WITNESS WHEREOF

A. D. 1944.

In presence of

J. R. Johnson

State of New York)

County of Schoharie) ss

(SCHOHARIE COUNTY SEAL)
1847

(REVENUE STAMPS CANCELLED \$4.95)
9-25-44

On this 12th day of September A. D. 1944, before me a Notary Public in and for said County, personally came the above named Leona P. Cooke and Shubel S. Cook, who are personally known to me to be the identical persons whose names are affixed to the above instrument as grantors and they severally acknowledged said instrument to be their voluntary act and deed.

Witness my hand and Notarial seal the date last aforesaid.

(JOHN R. JOHNSON NOTARY PUBLIC)
(SCHOHARIE COUNTY, N.Y.)

State of New York)
Schoharie County) ss

John R. Johnson, notary Public
My commission expires on the 30th day of March A. D. 1945

I, Roland O. Bouck, Clerk of the County of Schoharie and also Clerk of the Supreme Court of said County, being a Court of Record, do hereby certify, that JOHN R. JOHNSON, whose name is subscribed to the Certificate of Proof of Acknowledgement of the annexed instrument, and thereon written, was at the time of taking such proof and acknowledgement, a Notary Public in and for said County, duly commissioned and sworn, and authorized by the law of said State to take the acknowledgement and proofs of deeds or conveyances for land, tenements or hereditaments in said State of New York. And further that I am well acquainted with the hand-writing of such Notary Public, and verily believe the signature to such certificate of proof and acknowledgement is genuine and that said instrument is executed and acknowledged according to the laws of the State of New York. And I further certify that the impression of seals of Notary Public is not required by law to be filed in my office.

In testimony whereof, I have hereunto set my hand and affixed the Seal of said Court and County the 13 day of Sept. 1944.

(SCHOHARIE COUNTY SEAL)
1847

Roland O. Bouck, Clerk

DEED (In Trust)

ORA PURCELL)
to) Filed for record on this 26th day of September, A. D. 1944, at 10 o'clock
BERDINE HOVENDEN) and 50 minutes A. M. and recorded in Deed Book 81 at page 421.
Fee: \$1.35

KITTY A. ROUSH, Register of Deeds

KNOW ALL MEN BY THESE PRESENTS: That Ora Purcell, single, of Denver, Colorado, for and in consideration of the sum of One Dollar and the considerations hereinafter expressed, does hereby, subject to the conditions herein stated, grant, bargain, sell, convey and confirm unto Berdine Hovenden of North Bend, Nebraska, in trust, however, and hereinafter designated as Trustee, the following described real estate situate in Dodge County, State of Nebraska, to-wit:

The Southwest Quarter of Section 31, Township 18 North,
Range 6 East, subject to the easement of public highways
and ditches;

TO HAVE AND TO HOLD THE PREMISES above described, together with all the Tenements, Hereditaments and appurtenances thereunto belonging, in trust for the following uses and purposes and with the powers hereinafter designated as follows:

(1) Said Trustee shall lease, handle and care for said property as her best judgment dictates; and may in the leasing thereof lease to her husband if it seems in her judgment desirable at any time in the interests of said above described property; he being a capable farmer;

(2) From the rentals the Trustee shall pay the taxes and other accruing expenses, care and maintenance; and 5% commission on the gross rentals to herself for her services, except when the lands are being farmed by her husband, during said period such commission shall be waived;

(3) From July 1, 1954, said Trustee shall make every reasonable effort to sell said land for its reasonable value and complete a sale effective for delivery of the land to said purchaser not later than March 1, 1956, and preferably for delivery on March 1, 1955. As to said sale price the reasonableness and amount thereof is left to the judgment of a majority of the adult beneficiaries. If for reasons appearing to her undesirable she is prevented from making sale and transfer for delivery by March 1, 1956, then she may make said sale and delivery a year later. Said Trustee shall have full and complete authority to execute and deliver to the purchaser a warranty deed thereto;

(4) From the net rentals in her hands on January 1st, of each year, said Trustee shall then distribute the same one-seventh each to the following beneficiaries thereof, all of whom are children of my sister Althea Sumner; Arvilla Sumner, Norma Crawford, Berdine Hovenden, Roma Wasson, Purcell J. Sumner, Ora Marie Kruger and Stuart Sumner;

(5) Upon the consummating of said sale she shall likewise pay to said seven children of my sister in equal proportions the net proceeds of said sale;

(6) In the event that at the time for distribution of any rents and/or if at the time for distribution of any of the proceeds of said sale any one or more of said named beneficiaries shall have died leaving issue, then said payment shall be made pro-rata to said issue by right of representation; and if any of said children of my sister shall have at said respective times died without issue, then said distribution shall be made to the then living children and the then issue of any child by right of representation;

(7) That the interest of any beneficiary hereunder shall not be subject to partition or encumbrance or sale except as herein stated; and any attempted interest, lien or encumbrance made or suffered by any beneficiary shall be absolutely void;

(8) In the event that Berdine Hovenden should die prior to the completion of her trust, then I designate and appoint Norman Crawford from the date of her death as successor Trustee to complete the foregoing, with all the power and authority conferred on the said Berdine Hovenden.

Signed this 31 day of August, 1944.

In presence of: Alyce L. Bennett

Ora Purcell

STATE OF COLORADO)
COUNTY OF DENVER) ss

On this 31 day of August, A. D. 1944, before me, the undersigned Mabel A. O'Fallon, a Notary Public, duly commissioned and qualified for and residing in said county, personally came Ora Purcell, single, to me known to be the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be her voluntary act and deed.

Witness my hand and Seal the day and year last above written.

(MABEL A. O'FALLON NOTARY PUBLIC)
(CITY & COUNTY OF DENVER, COLO.)

Mabel A. O'Fallon
Notary Public

My Commission expires the 24 day of Feb. 1946.

KNOW ALL MEN BY THESE PRESENTS: That I, Berdine Hovenden of North Bend, Nebraska, grantee in Trust in the above deed, do hereby accept said trust and agree to carry out the same as therein provided.

Signed this 13th day of September, 1944.

In presence of: Chas. E. Abbott

Berdine S. Hovenden

STATE OF NEBRASKA)
COUNTY OF DODGE) ss

On this 13th day of September, A. D. 1944, before me, the undersigned Charles E. Abbott, a Notary Public, duly commissioned and qualified for and residing in said county, personally came Berdine Hovenden, to me known to be the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be her voluntary act and deed.

Witness my hand and Seal the day and year last above written.

(CHARLES E. ABBOTT NOTARIAL SEAL)
(Commission Expires Sept. 22, 1947)
(Dodge County, Nebraska)

Charles E. Abbott

My commission expires the 22d day of Sept. 1947.

CERTIFICATE OF PROOF OF WILL, WILL AND DECREE.

COUNTY COURT OF DODGE COUNTY)
to)

Filed for record on this 27th day of September, A. D. 1944
at 10 o'clock and 20 minutes A. M. and recorded in Book 81

ESTATE OF FRANCES K. WORMWOOD)
(DECEASED))
State of Nebraska)
County of Dodge) ss

of Deeds page 422.

\$3.50 ✓

KITTY A. ROUSH, Register of Deeds.

On this 23rd day of December 1933, the within last will and testament of Frances K. Wormwood was duly proved before me, Fred C. Laird, County Judge of said County, according to law, as the last will and testament of the real and personal estate of said deceased, and the same was admitted to probate and duly recorded in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year above written.

(Seal)

Fred C. Laird, County Judge.