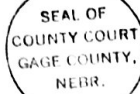


6. That the administratrix be, and hereby is, ordered to assign 2 shares of stock in the Farmers Elevator, Elatonia, Nebraska, Certificate No. 204 to Elva V. McCormack, in absolute title, and procure and file receipt; and it be and hereby is decreed that the property right in the cause of action for damages now pending in the district court, Docket 49 page 46, be, and hereby is, preserved for the benefit of such persons as provided by law of the state of Nebraska, and it be, and hereby is, further ordered that the administratrix be not discharged until final determination of said cause, or further order of this court.

BY THE COURT

Oscar L. Clarke, Jr.
County Judge.



IN THE COUNTY COURT, GAGE COUNTY, NEBRASKA

STATE OF NEBRASKA,)
) SS.
Gage County)

I, Oscar L. Clarke, Jr., Judge of the County Court of Gage County, Nebraska, do hereby certify the annexed and foregoing to be a true and correct copy of the Decree on Final Settlement, in re: Estate of JAMES E. McCORMACK, Deceased, as appears from the files and records of this Court.

In Witness Whereof, I have hereunto set my hand and the seal of said Court at Beatrice, in said County, this 23rd day of May, 1947.

Oscar L. Clarke, Jr.
County Judge.

By M. H. Warfield
Clerk of the County Court.

STATE OF NEBRASKA County of Gage ss. Filed for record and entered in
Numerical Index June 5th, 1947 at 10:00 o'clock A.M.

Arnold B. Hain
Register of Deeds

By _____
Deputy

COMPARED

WILL & DECREE

AUGUST GERLACH, Deceased

In re: Estate of

"LAST WILL AND TESTAMENT

OF

AUGUST GERLACH

KNOW ALL MEN BY THESE PRESENTS:

That I, August Gerlach, a resident of Lancaster County, Nebraska, do hereby make, publish and declare the following to be my last will and testament:

1.

I hereby direct my executor hereinafter named to pay, as soon as convenient after my death, all of my just debts, expenses of last illness and funeral, and to do so out of my personal property provided the same shall be sufficient for that purpose, If my personal property is not sufficient for that purpose then such deficiency, including costs of administration, shall be a charge upon the interest and title of my children in the real estate hereinafter described.

II

I hereby give, devise, and bequeath unto my beloved wife the life use and control of all of my estate.

III

I hereby give, devise, and bequeath unto my son, Lynn Gerlach, the remainder interest in the following described property;

The South Half of the Northeast Quarter of Section 3, Township 6, Range 5, Gage County, Nebraska; the West Half of the Northwest Quarter of Section 2, in said township and range; the Northwest Quarter of the Southwest Quarter of Section 2 in said township and range; subject to a charge against all of said land in this paragraph described in the amount of Twenty-Two Hundred Dollars (\$2200.00) to be paid by the said Lynn Gerlach to my daughter, Velma Schnieder.

IV.

I hereby give, devise, and bequeath unto my daughter, Velma Schnieder the remainder interest in the following described property: The East Half of the Northwest Quarter of Section 2, Township 6, Range 5, Gage County, Nebraska, and the East Half of the Southwest Quarter of said section.

V.

I hereby give, devise and bequeath unto my daughter, Mabel Vanier, the remainder interest in the following described property: The Northwest Quarter of Section 11, Township 6, Range 5, Gage County, Nebraska, and the Southwest Quarter of the Southwest Quarter of Section 2, Township 6, Range 5, in Gage County, Nebraska.

VI.

I hereby give, devise and bequeath all the rest and residue of my estate of every kind and description

and wherever situated, or whenever acquired unto my said children, share and share alike.

VII.

I hereby revoke any and all prior wills by me made, and hereby nominate as executor of this my last will and testament my son, Lynn Gerlach, giving him full power and authority without court order to sell and dispose of any of the real estate devised to any of my said children as may be necessary to discharge any such child's share of any of my debts or charges against my estate provided, however, that my said executor shall not enforce the collection of any such child's share of the charge against my estate until one year has elapsed after my death. In other words, this power of sale is given to my executor to be exercised only in the event that my personal property shall be insufficient to pay my just debts and all charges against my estate, and only in the event that any of my children shall fail within one year after my death to pay his or her proportionate part of said unpaid charges.

August Gerlach

We, whose names are hereunto subscribed, do hereby certify that the above named August Gerlach, known to us, declared the above and foregoing to be his last will and testament, and thereupon signed the same in our presence, and we, at his request, in his presence, and in the presence of each other, do hereby sign our names as witnesses this 7 day of ~~xxxxxx~~ November, 1944.

John Tobaben

F. T. Carsten

"FILED
for probate
June 12, 1946
Harry A. Spencer
County Judge"

Estate of August Gerlach, Deceased.

STATE OF NEBRASKA)
Lancaster County) SS.

This is to certify that, on this 5th day of July 1946, the above and foregoing instrument was found to be the last will and testament of said deceased and was duly proved, 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 ordered recorded as such.

In testimony whereof, I have hereunto set my hand and official seal the day and year last above written.
(SEAL) Harry A. Spencer
County Judge"

ENDORSED: "LAST WILL AND TESTAMENT OF
AUGUST GERLACH

Drafted by--Clarence G. Miles Attorney-at-Law
602 Federal Securities Bldg. Lincoln, Nebraska"

"IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

In Re: Estate No. 14,366

of

AUGUST GERLACH, Deceased.

DECREE OF FINAL SETTLEMENT

Now on this 16th day of April, 1947, at 2:00 o'clock P.M., this cause having been regularly continued from the 7th day of April, 1947, came on regularly to be heard upon the petition of Lynn Gerlach, executor, praying for final settlement and allowance of his accounts and decree of heirship and a decree distributing and assigning the residue of said estate, and a discharge from his trust as such executor; Lynn Gerlach executor is present with his attorneys Hubka & Hubka of Beatrice, Nebraska, and Nettie Gerlach, Velma Schnieder and Mabel Vanier are present; and after waiting for more than one hour and no person objecting, hearing is had thereupon.

The court having carefully examined the records and files in this proceeding and being fully advised in the premises finds, that due notice of this hearing has been given by publication for the period of time and in the manner and form provided by law and in the order of this court; and from the evidence and testimony introduced at this hearing, the court finds:

1. The final report of the executor is true and correct in all respects and should be approved and allowed; the executor has paid the County Treasurer of Lancaster County, Nebraska, in full the sum of \$10.28 a claim for personal taxes for the year 1946 and the sum of \$21.15 in full, a claim filed against this estate, ~~filed against this estate~~ ~~estate~~, and payment of said claims should be approved and allowed.

2. The Court cost and expense of administration is:

Court cost, Harry A. Spencer, County Judge	\$60.00;
Hickman Enterprise, publication fees	13.05;
Lynn Gerlach, executor fees	175.00;
Hubka & Hubka, attorney fees	1100.00;
Register of Deeds, Gage County, Nebraska for filing certified copy of decree of final settlement	3.50;

and this is all the cost and expense of administration of this estate.

3. That notice to creditors has been given as required by law and the order of this court, and that the time for filing claims expired on the 17th day of December, 1946; that an order has been duly made and entered in this cause barring the filing and presentation of claims against this estate, and that all claims filed against this estate have been paid, settled and satisfied in full.

4. That August Gerlach died, testate, on the 24th day of May, 1946, and prior, and at the time of his death, was a resident of Lancaster County, Nebraska, and left as his sole and only heirs at law, his widow Nettie Gerlach, and his children, Lynn Gerlach, Velma Schnieder and Mabel Vanier, all being over twenty one years of age and competent persons.

5. That at the time of the death of August Gerlach he was owner, in fee simple, and in possession of the following described real estate, to-wit:

- TRACT I. South Half (S $\frac{1}{2}$) of Northeast Quarter (NE $\frac{1}{4}$) Section Three (3), Township Six (6) North, Range Five (5), Gage County, Nebraska;
- TRACT II. West Half (W $\frac{1}{2}$) of Northwest Quarter (NW $\frac{1}{4}$) Section Two (2), Township Six (6) North, Range Five (5), Gage County, Nebraska;
- TRACT III. Northwest Quarter (NW $\frac{1}{4}$) of Southwest Quarter (SW $\frac{1}{4}$) Section Two (2), Township Six (6), North, Range Five (5), Gage County, Nebraska;

- TRACT IV. The East Half (E $\frac{1}{2}$) of Northwest Quarter (NW $\frac{1}{4}$) Section Two (2), Township Six (6) North, Range Five (5), Gage County, Nebraska;
- TRACT V. The East Half (E $\frac{1}{2}$) of Southwest Quarter (SW $\frac{1}{4}$) Section Two (2), Township Six (6) North, Range Five (5), Gage County, Nebraska;
- TRACT VI. Northwest Quarter (NW $\frac{1}{4}$) of Section Eleven (11), Township Six (6) North, Range Five (5), Gage County, Nebraska;
- TRACT VII. The Southwest Quarter (SW $\frac{1}{4}$) of Southwest Quarter (SW $\frac{1}{4}$) of Section Two (2) Township Six (6) North, Range Five (5), Gage County, Nebraska;

and according to the terms of his last will and testament admitted to probate the said real estate should be assigned to Nettie Gerlach for life; and the remainder in Tracts I, II, and III should be assigned to Lynn Gerlach, in fee simple; in Tracts IV and V should be assigned to Velma Schnieder, in fee simple; and in Tracts VI and VII should be assigned to Mabel Vanier, in fee simple; and that Lynn Gerlach has paid to Velma Schnieder the sum of \$2200.00, payment in full of the legacy bequeathed to Velma Schnieder in the last will and testament of August Gerlach, Deceased, and that Lynn Gerlach has fully performed and complied with all terms and provisions as to payment of said legacy and that said real estate devised to Lynn Gerlach is not charged with any lien.

6. That after payment of all items of cost and expense as set forth in Paragraph 2 of the findings herein there remains in the hands of the executor the sum of \$3,953.97, and the following personal property:

- 1934 Chevrolet Coupe, Motor No. K 106 700, Black, 6 cylinders;
- 1 Case Threshing machine 22 inch (old machine);
- 1 share of stock in Pickrell Farmers Elevator Co. Pickrell, Neb. issued April 11, 1919, par value \$25.00, Certificate No. 387;
- 1 share of stock in Pickrell Farmers Elevator Co., Pickrell, Neb. issued August 13, 1905, par value \$25.00, Certificate No. 127;
- 1 share of stock of The Farmers Company Hallam, Lancaster County, Nebraska, issued February 13, 1926, Certificate NO. 194,

and according to the terms of the last will and testament admitted to probate, all of said personal property should be assigned, to Nettie Gerlach for life, and the remainder should be assigned to Lynn Gerlach, Velma Schnieder and Mabel Vanier, in equal shares.

7. That Lynn Gerlach, Velma Schnieder and Mabel Vanier, children of August Gerlach, deceased, were not jointly, severally and individually indebted to August Gerlach at the time of his death.

8. That all terms, conditions and provisions in the last will and testament of August Gerlach, Deceased, have been fully complied with.

9. That state inheritance tax has been paid in full.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT:

1. The final report of the executor be, and hereby is, approved and allowed in all respects; and payment of two claims by the executor, as set forth in Paragraph 1 of the findings herein, be, and hereby is, approved and allowed.

2. The executor be, and hereby is, ordered to pay all cost and expenses as set forth in Paragraph 2 of the findings herein, and procure and file receipts.

3. That notice to creditors has been given as required by law and the order of this court, and that the time for filing claims expired on the 17th day of December, 1946; that an order has been duly made and entered in this cause barring the filing and presentation of claims against this estate, and that all claims filed against this estate have been paid, settled and satisfied in full.

4. That August Gerlach died, testate, on the 24th day of May, 1946, and prior, and at the time of his death, was a resident of Lancaster County, Nebraska, and left as his sole and only heirs at law, his widow Nettie Gerlach, and his children Lynn Gerlach, Velma Schnieder and Mabel Vanier, all being over twenty-one years age and competent persons.

5. The real estate described in Paragraph 5 of the findings herein be, and hereby is, assigned to NETTIE GERLACH for life; and the remainder in Tracts I, II and III assigned to Lynn Gerlach in fee simple, in Tracts IV and V to Velma Schnieder in fee simple, and in Tracts VI and VII to Mabel Vanier in fee simple; and it be, and hereby is, decreed that Lynn Gerlach has paid the legacy of \$2200.00 to Velma Schnieder and has fully performed and complied with all terms and provisions as to payment of this legacy, and the real estate devised to Lynn Gerlach is not charged with any lien.

6. The executor be, and hereby is, ordered to transfer and deliver all the personal property as set forth in Paragraph 6 of the findings herein to NETTIE GERLACH for life; and the remainder to Lynn Gerlach, Velma Schnieder and Mabel Vanier.

7. That Lynn Gerlach, Velma Schnieder and Mabel Vanier, children of August Gerlach, Deceased, were not jointly, severally and individually indebted to August Gerlach at the time of his death.

8. That all terms, conditions and provisions in the last will and testament of August Gerlach, Deceased, have been fully complied with.

9. That upon payment of the foregoing items and filing of receipts ordered to be procured and filed, the said executor shall be discharged from his trust.

BY THE COURT

Harry A. Spencer
County Judge" (SEAL)

"FILED APR 24, 1947
Harry A. Spencer
County Judge"

CERTIFICATE

In the County Court of Lancaster County, Nebraska,

The State of Nebraska,)
) SS.
LANCASTER COUNTY,)

I, HARRY A. SPENCER, Judge of the County Court of Said County, do hereby certify that the foregoing is a full and correct copy of The Last Will and Testament and Certificate of Probate together with all endorsements thereon, and Final Decree, in the matter of the Estate of August Gerlach, Deceased, now pending in this Court as shown by the files in this office and now in my charge.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County court of said County, at Lincoln, Nebraska, this 24th day of April, 1947.

Harry A. Spencer
County Judge

By Joseph Cathcart
Clerk of the County Court



STATE OF NEBRASKA County of Gage ss. Filed for record and entered in Numerical Index June 5th, 1947 at 10:00 o'clock A.M.

Donald G. Moseley
Register of Deeds

By _____ Deputy