

Nebraska Judicial Branch

Case Summary

In the County Court of Cass County
 The Case ID is PR 18 0000014
 Boyd L Johnson Sr, Deceased
 The Honorable John F Steinheider, presiding.
 Classification: Informal Testate
 Filed on 02/12/2018
 This case is open as of 02/12/2018

Parties/Attorneys to the Case

Party	Attorney
Deceased ACTIVE Boyd L Johnson Sr Personal Representative ACTIVE Fred A Landers 16822 Highway 6 Ashland NE 68003	Robert J Kmiecik 1299 Farnam Street, Suite 150 Omaha NE 68102 402-342-1700
Interested Party ACTIVE Boyd L Johnson Jr 1317 Dawes Street Ashland NE 68003	
Interested Party ACTIVE Laurel L Campbell 506 N 15th Street Ashland NE 68003	
Interested Party ACTIVE David S Johnson 750 County Rd 5 Ashland NE 68003	
Interested Party ACTIVE Emil E Johnson 1224 North Grant Fremont NE 68025	

Court Costs Information

Incurred By	Account	Date	Amount
Personal Representative	Filing Fees	02/12/2018	\$16.00
Personal Representative	NSC Education Fee	02/12/2018	\$1.00
Personal Representative	Dispute Resolution Fee	02/12/2018	\$0.75
Personal Representative	Indigent Defense Fee	02/12/2018	\$3.00
Personal Representative	Uniform Data Analysis Fee	02/12/2018	\$1.00
Personal Representative	J.R.F.	02/12/2018	\$2.00
Personal Representative	Filing Fee/JRF	02/12/2018	\$6.00
Personal Representative	Legal Aid/Services Fund	02/12/2018	\$6.25
Personal Representative	Seal Affixed	02/12/2018	\$1.00
Personal Representative	Automation Fee	02/12/2018	\$8.00

Financial Activity

No trust money is held by the court
 Fee/Fine held by the court is \$45.00

Payments Made to the Court

Receipt	Type	Date	For	Amount
215340	check	02/13/2018	Landers, Fred, A,,	\$45.00
			Filing Fees	\$16.00
			NSC Education Fee	\$1.00
			Dispute Resolution Fee	\$.75
			Indigent Defense Fee	\$3.00
			Uniform Data Analysis	\$1.00
			J.R.F.	\$2.00
			Filing Fee/JRF	\$6.00
			Legal Aid/Services Fun	\$6.25
			Seal Affixed	\$1.00
			Automation Fee	\$8.00

Register of Actions

02/13/2018 Aff-Mailing Notice
 Image ID 000979149C20

02/13/2018 Letters of PR
 This action initiated by Clerk Magistrate
 one cert copy provided
 Image ID 000979161C20

02/13/2018 Registrar Stmt-Inf Probate
 Image ID 000979136C20

02/13/2018 Cert-Probate of Will
 This action initiated by Clerk Magistrate
 Image ID D00166956C20

02/12/2018 Ntc-Creditor/Inf Prob/Appt PR

02/12/2018 Accept Appt-Estate

Image ID 000979139C20

02/12/2018 Check Demand Index
 nothing found

02/12/2018 will
Image ID 000979142c20

02/12/2018 App-Inf Probate of will/Appt of PR
This action initiated by party Fred A Landers
Image ID 000979145c20

IN THE COUNTY COURT OF CASS COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE OF
BOYD L. JOHNSON, SR.,
Deceased.

No. PR 18-14

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

Date of Death: January 4, 2018

FEB 12 2018

APPLICANT STATES:

CASS COUNTY COURT

1. FRED A. LANDERS, as the nominated Personal Representative, is an interested person as defined by the Nebraska Probate Code Section 30-2209(21).

2. Name of Decedent: BOYD L. JOHNSON, SR.

Date of Death: January 4, 2018.

Age at Date of Death: Seventy-nine (79) Years.

Domicile at Date of Death: Ashland, Cass 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 Last Will and Testament, dated August 10, 2009, accompanies this Application and is hereby filed with this Court and offered for probate.
7. The Applicant, to the best of Applicant's knowledge, believes the Last Will and Testament dated August 10, 2009 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. Applicant nominates, as Personal Representative, Fred A. Landers, who is qualified and whose status of priority is as named in Article II of the Decedent's Last Will and Testament. The nominated Personal Representative is neither indebted to the estate nor a creditor of the estate.



9. No bond is required because it is waived in Article II of the Decedent's Last Will and Testament.

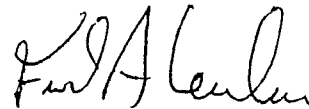
10. The names, relationships and address of Decedent's children, heirs and devisees, and ages of those who are minors, and those who are incompetent so far as known or ascertainable by reasonable diligence by Applicant, are:

Name	Relationship	Address
Boyd L. Johnson, Jr.	Son	1317 Dawes Street Ashland, Nebraska 68003
Laurel L. Campbell	Daughter	506 North 15 th Street Ashland, Nebraska 68003
David S. Johnson	Son	750 County Rd. 5 Ashland, Nebraska 68003
Emil E. Johnson	Son	1224 North Grant Fremont, Nebraska 68025

11. Decedent had no change of marital status or the birth or 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: 2-7, 2018.

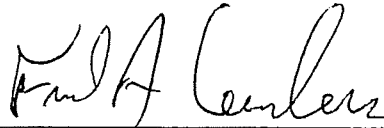


Fred A. Landers
16822 Highway 6
Ashland, Nebraska 68003
Phone: 402-944-7588
Applicant

Prepared and Submitted By:
Robert J. Kmieciak (Bar I.D. #18594)
Stinson Leonard Street LLP
1299 Farnam Street, Suite 1500
Omaha, NE 68102
Phone: (402) 930-1713
E-mail: robert.kmieciak@stinson.com
Attorney


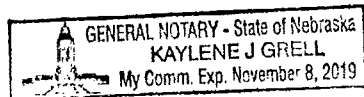
STATE OF NEBRASKA)
) SS:
COUNTY OF Saunders)

FRED A. LANDERS, as nominated Personal Representative, 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.



Fred A. Landers
16822 Highway 6
Ashland, Nebraska 68003
Phone: 402-944-7588
Applicant

The foregoing instrument was acknowledged before me this 7 day of February, 2018, by FRED A. LANDERS.


Notary Public

LAST WILL AND TESTAMENT
OF
BOYD L. JOHNSON, SR.

FILED CLERK
FEB 12 2018
CASS COUNTY COURT

I, Boyd L. Johnson, Sr., a single person, of Ashland, Cass County, Nebraska, make this my Will and revoke all prior Wills and Codicils.

ARTICLE I.

I am single and have four children, Laurel E. Campbell, David S. Johnson, Boyd L. Johnson, Jr., and Emil E. Johnson.

ARTICLE II.

I nominate Fred A. Landers, of Ashland, Nebraska, as Personal Representative of my estate. Should he fail or decline to qualify or cease to act as Personal Representative, I nominate Robert J. Likes, of Omaha, Nebraska, as successor in such office.

No bond or sureties shall be required of any fiduciary named in this Will.

ARTICLE III.

I devise and bequeath all my interests, if any, in personal automobiles, household furniture and furnishings, guns, clothing, all equipment that I own located in the former Gear Jammer restaurant, personal effects and other articles and tangible personal property (except my tools and equipment, which I confirm are owned by Mechanics, Inc., or if owned by me shall be devised to Mechanics, Inc.), together with all rights that I may have under any insurance policies relating thereto, to Fred A. Landers. I request that Fred A. Landers keep my guns together as one collection, and that Fred A. Landers may distribute the guns and any other personal property



3/2/18

described in this Article III to my children named below in the future in any manner as he sees fit. If Fred A. Landers does not survive me, then I give all such personal property to my children, Laurel E. Campbell, David S. Johnson, Boyd L. Johnson, Jr., and Emil E. Johnson, in equal shares, or to their issue by right of representation; provided, however, that any such item of personal property which shall have no useful or sentimental value shall be sold and the proceeds added to my residuary estate; provided, further, items of tangible personal property listed in any separate written statement (signed and dated by me), if not superseded by any subsequent written statement, shall be distributed to the persons designated in any such statement.

ARTICLE IV.

I devise and bequeath all of my interests (including stock) in Mechanics, Inc., and all of my interests (including stock) in Gear Jammer, Inc., to Fred A. Landers.

ARTICLE V.

I devise and bequeath all my right, title and interest in the following real estate to Fred A.

Landers:

All my interest in that part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 12, Range 9, Saunders County, Nebraska, lying South and East of the Burlington Railroad right of way;

and

All my interest in subplot 2 of Lot 15 in the Northeast Quarter of the Northeast Quarter of Section 15, Township 12, Range 9, Cass county, Nebraska, more particularly described as that part of the East Half of the Northeast Quarter of said Section 15 bounded on the North and West by the Burlington Railroad right of way and on the South and East by public Highway No. 6.



I devise and bequeath all the rest of my right, title and interest in any real estate to my four children, Laurel E. Campbell, David S. Johnson, Boyd L. Johnson, Jr., and Emil E. Johnson, in equal shares, or to their issue by right of representation.

ARTICLE VI.

I devise and bequeath all my right, title and interest in the BFD Partnership, subject to the terms of the BFD Partnership Agreement, to my four children, Laurel E. Campbell, David S. Johnson, Boyd L. Johnson, Jr., and Emil E. Johnson, in equal shares, or to their issue by right of representation.

ARTICLE VII.


I devise and bequeath all my property remaining after satisfaction of the unexpired devises and bequests contained in the foregoing provisions of this Will to my four children, Laurel E. Campbell, David S. Johnson, Boyd L. Johnson, Jr., and Emil E. Johnson, in equal shares, or to their issue by right of representation.

ARTICLE VIII.

If it is difficult to determine the order of my death and the death of any other person, such persons shall be deemed to have predeceased me.

ARTICLE IX.

I direct that all estate, inheritance and succession taxes including any interest and penalties thereon, payable upon or resulting from, or by reason of my death, whether or not attributable to properties subject to probate administration, shall be paid and allocated by equitable apportionment according to Nebraska law.

A handwritten signature in dark ink, appearing to be "R. L. Johnson", is located in the bottom right corner of the page.

ARTICLE X.

In extension and not in limitation of the powers provided by law, my Personal Representative, without court order or approval, shall have full discretionary powers to hold, manage, control, sell (upon contract or otherwise), exchange, grant, bargain, convey, divide, partition, subdivide, assign, transfer, deliver, lease, option, mortgage, pledge, borrow upon the credit of, contract with respect to, or otherwise deal with or dispose of real or personal property, and in addition and not by way of limitation, any other powers which a prudent man might exercise in dealing with the property of another. There shall be no duty upon any person to see to the application of any money or other property delivered to the Personal Representative. Without limiting the generality of the above powers, my Personal Representative, without Court order or approval, shall have the following discretionary powers to:

- (1) Invest and Reinvest. Retain, invest and reinvest the money or property held by the Personal Representative without regard to and free from all investment restrictions, whether imposed by statute or otherwise; invest or otherwise deal in common trust funds.
- (2) Distribute in Cash or Kind. Divide and distribute my estate in kind or in money or partly in each or by way of undivided interests; make distributions in kind without regard to the basis which such property will have in the hands of any distributee.
- (3) Distributions to Persons Under Disability. If and whenever any beneficiary of my estate to whom payments or distributions are to be made shall be under any legal or physical disability, as determined by the Personal Representative, make all or any portion of such payments in any one or more of the following ways: direction to such beneficiary; to the legal guardian or conservator of such beneficiary; to an adult relative of such beneficiary to be expended by such relative for the benefit of such beneficiary; by expending the same for the benefit of such beneficiary; or by paying the same to an adult relative of a minor beneficiary as custodian for such beneficiary under any Uniform Gifts to Minors Act. The Personal Representative shall have no duty to see to the application of any payments or distributions made to any distributee. The distributee's receipt shall be sufficient discharge to the Personal Representative.



(4) Tax Elections. (a) Value my estate at any alternative valuation date or by any alternate valuation method; (b) elect to claim certain expenses and losses as deductions, either on income tax returns of my estate or on my individual income tax return, or part on each; (c) elect to pay Federal estate taxes in installments under Section 6166 and request extensions of time for payment under Section 6161 of the Internal Revenue Code; (d) join in or consent to income and gift tax returns and to pay any part or all of the income or gift tax due upon such returns; and (e) agree as to who shall receive the benefit of any refund or credit of any tax arising out of any joint income tax returns or joint declarations of estimated income tax. No adjustments shall be required to be made between income and principal or between the property interests passing to any beneficiaries which may be affected as a result of such elections. References to specific provisions are to the Internal Revenue Code of 1986, as amended. Powers to make tax elections shall also be allowed under any corresponding or substitute provisions of applicable revenue laws.

ARTICLE XI.

References in this Will to "Personal Representative" shall include executor, administrator, successor personal representative, special administrator and persons who perform substantially the same function under the law governing their status. Words imparting a particular number or gender shall include the other numbers and gender.

References to "issue" mean lineal descendants in any degree of the ancestor designated, who are born in lawful wedlock or are legally adopted during minority.

A person in gestation, who is later born alive, shall be regarded in this Will as a person in being during the period of gestation.

Whenever distribution of a share of my estate is to be made to "issue, by representation," of a deceased person, such share shall be distributed to the person and in the proportions that property of the designated ancestor would have been distributed under the laws of Nebraska in force at the time stipulated for distribution had such ancestor died intestate at such time, domiciled in Nebraska, unmarried and survived only by such issue.

A handwritten signature in dark ink, appearing to be "B. H. Sr.", is located in the bottom right corner of the page.

ARTICLE XII.

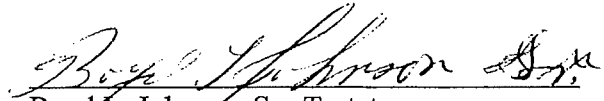
I direct my Personal Representative to pay, in addition to any other claims which may be allowed against my estate, the expenses of my funeral (including marker) in such amount as my Personal Representative may deem appropriate, and the expenses of my last illness. Such payments for claims, funeral expenses, expenses of last illness and any other properly allowable administration expenses shall be paid from the residue of my estate and shall not be apportioned among my beneficiaries notwithstanding any law to the contrary.

ARTICLE XIII.

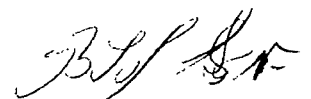
After my death, I do not want to be buried and I do not want a funeral service. It is my wish and direction that my body be cremated and my ashes spread over my business location. I direct my Personal Representative to carry out these instructions.

ATTESTATION

I, Boyd L. Johnson, Sr., the Testator, sign my name to this instrument consisting of seven (7) pages, this 10 day of August, 2009, and being first duly sworn do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament and that I sign it willingly or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes therein expressed and that I am eighteen (18) years of age or older or am not at this time a minor, and am of sound mind and under no constraint or undue influence.


Boyd L. Johnson, Sr., Testator

We, Timothy J Milliman SR. and Larry A Locke,
the witnesses, being first duly sworn, do hereby declare to the undersigned authority that the Testator signed this instrument as his Last Will and Testament; that he signed it willingly or directed another to sign for him and that he has executed it as a free and voluntary act for the purposes herein expressed, and that each of us, in the presence and hearing of the Testator, hereby signs this Will as Witness to the Testator's signing, and that to the best knowledge of the



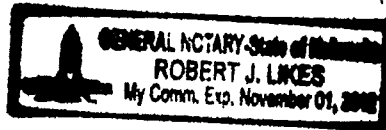
witnesses the Testator is of sound mind, over eighteen (18) years of age, and under no constraint or undue influence.

Timothy J. Millman SR
Larry A. Roche

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Subscribed, sworn to and acknowledged before me by Boyd L. Johnson, Sr., the Testator,
and subscribed and sworn to before me by Timothy J. Millman Sr and
Larry A. Roche, the witnesses, this 10th day of August, 2009.

Robert J. Likes
Notary Public



Boyd L. Johnson Sr

IN THE COUNTY COURT OF CASS COUNTY, NEBRASKA

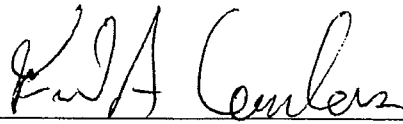
IN THE MATTER OF THE ESTATE OF)
BOYD L. JOHNSON, SR.,)
Deceased.)

No. 1814

ACCEPTANCE OF APPOINTMENT

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

DATED: 2-7, 2018.



Fred A. Landers
16822 Highway 6
Ashland, Nebraska 68003
(402) 944-7588

FILED CLERK
FEB 12 2018
CASS COUNTY COURT

PREPARED AND SUBMITTED BY :

Prepared and Submitted By:
Robert J. Kmiecik (Bar I.D. #18594)
Stinson Leonard Street LLP
1299 Farnam Street, Suite 1500
Omaha, NE 68102



IN THE COUNTY COURT OF CASS COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE OF)
BOYD L. JOHNSON, SR.,)
Deceased.)

Date of Death: January 4, 2018)

PR No. 18-14

LETTERS OF
PERSONAL REPRESENTATIVE
FILED CLERK

FEB 13 2018

STATE OF NEBRASKA.

CASS COUNTY COURT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on February 13, 2018, FRED A. LANDERS 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 FRED A. LANDERS to do and perform all acts which may be authorized by law.

WITNESS, the signature of a Judge or the Registrar of this Court, and the seal of this Court on February 13, 2018.

(SEAL)


Signature of Registrar



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