

Filed on Nov. 5, 1965 at 3:45 o'clock P.M.  
LoRee Oakley - County Clerk  
Janet Hajny - Deputy

Harry C. Haverly  
County Judge

IN THE MATTER OF THE ESTATE )  
OF )  
CARL R. ANDERSON, DECEASED )  
IN THE COUNTY COURT OF ADAMS COUNTY, NEBRASKA )  
FINDINGS AND DECREE )

On this 3rd day of November, 1965, at a session of the County Court held in and for Adams County, Nebraska, before me, Harry C. Haverly, County Judge, this matter came on to be heard upon the final account and petition for discharge of John O. Holmes, Executor of said estate; for the distribution of the property of said estate; and the evidence, and was submitted to the Court on consideration whereof the Court being fully advised in the premises finds as follows:

I.

That due and legal notice of the time and place of hearing on said final account and petition for discharge has been given to all persons interested in said estate as required by law and the orders of this Court; that the Court has jurisdiction over each and every party interested in said estate; that this is the time designated for said hearing and proof of notice to all interested parties and proof of publication of notice of said hearing is on file herein.

II.

That Carl R. Anderson died testate on the 28th day of September, 1964, in Hastings, Adams County, Nebraska, and the owner of certain real and personal property located in Adams County, Clay County, and Hall County, Nebraska.

III.

That on the 1st day of October, 1964, an instrument purporting to be the Last Will and Testament of said deceased, and Codicil thereto, was filed in this Court and thereafter on the same date a petition was filed in this Court praying that the Last Will and Testament of Carl R. Anderson be allowed and probated, and that the Court grant execution and administration of said estate to John O. Holmes, the Executor nominated in said instrument.

IV.

That on the 20th day of October, 1964, after notice of hearing thereon had been given according to law, proof of which is on file herein, said Will and Codicil thereto was admitted to

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probate and a decree entered approving, probating and allowing said instrument to be the Last Will and Testament of said deceased, and Codicil thereto, a copy of said Will and Codicil, together with the Certificate of Probate being attached hereto and by reference incorporated herein, and a further order was entered directing that execution of said Will and Codicil be committed and that the administration of said estate be granted and Letters Testamentary be issued to John O. Holmes upon his taking and filing the oath as required by law and filing the bond as required by law and the orders of this Court; that further on the 20th day of October, 1964, the said John O. Holmes qualified under said appointment by taking and filing said oath and filing said bond which bond was approved by this Court, thereupon Letters Testamentary were issued to him on said date and that since said time the said John O. Holmes has been duly appointed, qualified and acting Executor of said estate.

V.

That further on the 20th day of October, 1964, an order was entered by the Court fixing the 26th day of February, 1965, at 10:00 o'clock A.M., at the Adams County Court room in the Court-house in Hastings, Adams County, Nebraska, as the time and place of hearing on claims against said estate, and that all claims must be filed in said Court prior to said date or be forever barred; that notice thereof was duly given to all creditors and all persons interested in said estate as required by law and the orders of this Court, proof of the giving of such notice being on file herein.

VI.

That the time designated for filing claims has expired; that all claims filed have been duly allowed and paid from the assets of said estate; that all claims not filed within the time designated, as hereinbefore set forth, should be forever barred.

VII.

That the final report filed herein shows that the Executor, John O. Holmes, advanced to said estate the sum of \$11,707.20 for the purpose of paying debts, inheritance taxes and expenses of administration; that no balance remains in the hands of said Executor; that said Executor has filed herein his Waiver releasing and waiving the right to any lien upon the property of said estate or upon the property passing to any of the devisees or legatees under the Last Will and Testament of the deceased for money advanced for such purposes. That no objections have been made or filed to the final report of the Executor on file herein and said accounting should in all things be approved, confirmed and allowed; that all indebtedness of said deceased at the time of his death and all fees, court costs and expenses of administration of said estate have been paid in full.

VIII.

That the deceased left surviving him as his sole and only heirs at law and the sole and only beneficiaries under the Last Will and Testament, the Following:

Mabel O. Anderson, a widow,  
Lucile E. Holmes, a daughter,  
Kristin Eleanor Holmes, a  
granddaughter,

all of whom reside at 1607 Crestmoor Drive, Hastings, Nebraska; that said deceased left no other children or child or children of any deceased child or children, nor any adopted child or children thereof surviving him.'

IX.

That at the time of the death of the deceased he was seized and possessed of the fee simple title to the real estate described as follows:

1. Northwest Quarter (NW 1/4) of Section Eight (8), Township Seven (7), North, Range Seven (7), Lynn Township, Clay County, Nebraska.
2. West One-Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section Sixteen (16), Township Seven (7) North, Range Five (5), Sutton Township, Clay County, Nebraska;
3. West One-Half (W 1/2) of the Northwest Quarter (NW 1/4) of Section Thirty (30), Township Seven (7) North, Range Five (5), Sutton Township, Clay County, Nebraska;
4. East One-Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section Thirty (30), Township Seven (7) North, Range Five (5), Sutton Township, Clay County, Nebraska;
5. Lot Fourteen (14), Block Five (5), in Saronville Village, Clay County, Nebraska.

and together with his widow, the said Mabel O. Anderson, was the owner of certain joint and survivorship real estate as follows:

1. South One-Half (S 1/2) of the Northeast Quarter (NE 1/4) and the North One-Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section Thirty (30) Township Seven (7) North, Range Five (5), Sutton Township, Clay County, Nebraska;
2. Southwest Quarter (SW 1/4) of Section Twenty-six (26), Township Nine (9) North, Range Nine (9), Doniphan Township, Hall County, Nebraska;
3. East One-Half (E 1/2) of Section Thirty-three (33), Township Seven (7) North, Range Ten (10), Adams County, Nebraska;
4. North One-Half (N 1/2) of Lot Eight (8) in Block Four (4) in Webster and Wemple's Addition to the City of Hastings, Adams County, Nebraska, according to the recorded plat thereof.

which latter described real estate passed to the said widow by operation of law and was listed in the proceedings herein for the purpose of inheritance taxation proceedings only and was fully accounted for in the inheritance tax proceedings in the matter of this estate. Said deceased left certain other individually and jointly owned personal property as set forth in the order determining inheritance tax and the inheritance tax worksheet on file herein.

X.

That pursuant to the terms of the Last Will and Testament of Carl R. Anderson, deceased, and Codicil thereto, all real and personal property owned individually by the deceased at the time of his death, as hereinbefore described in paragraph No. IX, should be assigned and distributed in accordance with the terms of said instruments to the persons as follows:

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To Lucile E. Holmes, a daughter:  
Northwest Quarter (NW 1/4) of Section  
Eight (8), Township Seven (7), North,  
Range Seven (7), Lynn Township, Clay  
County, Nebraska;

To John O. Holmes, a Trustee, for and in behalf of Kristin Eleanor  
Holmes, a granddaughter;

West One-Half (W 1/2) of the Northeast  
Quarter (NE 1/4) of Section Sixteen (16),  
Township Seven (7) North, Range Five  
(5), Sutton Township, Clay County,  
Nebraska.

West One-Half (W 1/2) of the Northwest  
Quarter (NW 1/4) of Section Thirty (30),  
Township Seven (7) North, Range Five  
(5), Sutton Township, Clay County,  
Nebraska.

East One-Half (E 1/2) of the Northwest  
Quarter (NW 1/4) of Section Thirty (30),  
Township Seven (7) North, Range Five  
(5), Sutton Township, Clay County,  
Nebraska;

the same to be held, managed, and disposed of all in accordance with  
paragraphs Seventh, Eighth and Ninth of the Last Will and Testament  
of the deceased on file herein.

To Mabel O. Anderson, a widow, and Lucile E. Holmes, a daughter;  
Lot Fourteen (14), Block Five (5), in  
Saronville Village, Clay County, Nebraska;  
together with an undivided one-half interest in the Chattel Property  
in said estate as listed in the inventory on file herein, all pursuant  
to paragraph Fourth of said Last Will and Testament;

the above named parties being the sole heirs and beneficiaries of the deceased herein.

XI.

On the 15th day of February, 1965, at a hearing after notice to all parties interested  
including the County attorneys of Adams, Hall, and Clay Counties, the court found and determined  
that an inheritance tax was due and owing from the beneficiaries under the Last Will and Testament  
and the heirs at law of said deceased, in the amount of \$866.48; that said tax has been paid in  
full and no other or further inheritance or Nebraska State Tax is due or owing on account of the  
death of the deceased.

WHEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED:

1. That each of the findings as hereinbefore set forth is hereby referred to and de-  
creed equally effectually as though fully set forth herein and made a part of this order.
2. That pursuant to the Last Will and Testament of said deceased and Codicil thereto  
the real and personal property of said estate should be assigned and distributed in accordance with  
paragraph No. X of the findings herein.
3. That the final account of the Executor be and the same in hereby in all things ap-  
proved, confirmed and allowed.
4. That all claims not filed within the time limited for filing the same are hereby  
forever barred.
5. That the lien of inheritance tax upon the property of the deceased is hereby released  
and discharged.
6. That upon filing in this Court the proper receipts, John O. Holmes, Executor, be  
discharged from this trust and his official bond released and cancelled.

HARRY C. HAVERLY  
County Judge

SEAL.

LAST WILL AND TESTAMENT  
OF

CARL R. ANDERSON

I, Carl R. Anderson, of Hastings, Adams County, Nebraska, being of sound and disposing  
mind, and not under any restraint or undue influence, do hereby make, publish and declare this to  
be my LAST WILL AND TESTAMENT, hereby revoking any and all former wills at any time heretofore made  
by me.

FIRST:  
I hereby direct and desire that all valid estate and inheritance taxes which may become  
due upon my estate or upon any of the devisees or legatees hereinafter named, whether Federal or  
State taxes, be paid by my executor out of the general assets of my estate.

SECOND:  
I hereby give and devise to my daughter, Lucile E. Holmes, the following described real  
estate in Clay County, Nebraska, to-wit:

- (a). The Northwest Quarter (NW 1/4) of Section Eight (8),  
Township Seven (7) North, Range Seven (7), West of  
the Sixth P.M.
- (b). One Hundred and Thirteen (113) Acres, a part of  
Section Twenty-three (23), Township Seven (7)  
North, Range Six (6), West of the Sixth P.M.

THIRD:  
I hereby give and devise unto my granddaughter, Kristin Eleanor Holmes, the following  
real estate in Clay County, Nebraska, to-wit:

- (a). The Northwest Quarter (NW 1/4) of Section  
Thirty (30), Township Seven (7) North, Range  
Five (5), West of the Sixth P.M.
- (b). The West Half (W 1/2) of the Northeast Quarter  
(NE 1/4) of Section Sixteen (16), Township Seven  
(7) North, Range Five (5), West of the Sixth P.M.

FOURTH:  
In the event my wife survives me, I give, devise and bequeath all the rest, residue and  
remainder of my property and estate, both real and personal, of whatsoever kind and wheresoever  
situated, of which I shall die seized or possessed, to my said wife, Mabel O. Anderson and to my  
daughter Lucile E. Holmes, in equal shares. I recite herein that I have made no other or further  
provisions for my wife, Mabel O. Anderson, in this will for the reason that she is adequately pro-  
vided for through our mutual holdings in joint tenancy.

In the event my said wife shall not survive me, I then give, devise and bequeath to my  
granddaughter, Kristin Eleanor Holmes, the real estate property described as follows, to-wit:  
The Southwest Quarter (SW 1/4) of Section



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Twenty-six (26), Township Nine (9) North,  
Range Nine (9), West of the 6th P.M., in  
Hall County, Nebraska,

in addition to the provision made for her in paragraph third of this Will, and all the rest, residue and remainder of my said property and estate I give, devise and bequeath to my daughter, Lucile E. Holmes.

FIFTH: In the event neither my said wife nor my said daughter survive me, then I give, devise and bequeath all of my said property and estate, both real and personal, to my said granddaughter, Kristin Eleanor Holmes.

SIXTH: I hereby nominate and appoint John O. Holmes of Hastings, Nebraska as Executor of this my Last Will and Testament.

SEVENTH: In the event my granddaughter, Kristin Eleanor Holmes, shall not, at the date of my death, have attained the age of thirty years, then I give and devise her share above provided for her to the said John O. Holmes as Trustee to be held in trust by my said Trustee until my said granddaughter shall become thirty years of age, at which time my said granddaughter shall receive outright the entirety of the trust property and all accumulated income. The net income of the trust may, in the sole and absolute discretion of the Trustee, be applied to the support, maintenance, education and general welfare of the said Kristin Eleanor Holmes in such manner as the Trustee may deem proper without regard to the duty of any person to support said child and without regard to any other funds which may be available for the purpose or may be accumulated. I expressly authorize and empower my said Trustee with respect to the trust herein created in his sole and absolute discretion to manage, collect and receive the rents profits and income of such trust estate, to invest and reinvest the property of my estate herein devised to the said Kristin Eleanor Holmes in such investment as he may deem advisable for the preservation of the property and the production of the best income therefrom; to sell, lease, pledge, mortgage, transfer or otherwise dispose of or grant options with respect to any and all property at any time forming a part of the trust estate, in such manner, at such time or times, for such purposes and for such prices, and upon such terms and conditions as he may deem advisable, and to execute and deliver all necessary instruments and documents to execute the power given without securing any order of Court therefor, and any purchaser of such property, whether real or personal, shall not be required to look to the application of the proceeds thereof; to borrow money for any purpose connected with the protection, preservation or improvement of the trust estate and as security to mortgage or pledge any real estate or personal property forming a part of the estate upon such terms and conditions as he may deem advisable. Any lease made by the Trustee may extend beyond the term of the Trust.

EIGHTH: I hereby authorize and empower the said John O. Holmes, if he be acting in the capacity of Trustee of my said granddaughter, in the event of sickness or failing health, or other good cause appearing to him, to appoint some suitable person or persons to execute said trust, subject to the approval of my daughter, Lucile E. Holmes, if she be living, reciting herein that it is my wish and desire that her desire be considered paramount in such selection.

NINTH: It is my desire that only a nominal bond be required of my Executor and that no bond be required of my Trustee for I desire to save my family the expense of premiums upon such bonds. My Executor shall have the same powers and authority heretofore conferred upon my Trustee, including the power to sell at public or private sale and without order of the Court any real estate or personal property belonging to my estate, and to compound, compromise, settle or adjust any or all claims, charges, debts or demands against or in favor of my estate as fully as I could do if living. IN WITNESS WHEREOF, I, Carl R. Anderson, have to this my Last Will and Testament subscribed my name this 23rd day of November, 1955.

/s/ Carl R. Anderson

SUBSCRIBED and sealed by the Testator in the presence of us and each of us, and at the same time published, declared and acknowledged by him to us to be his Last Will and Testament, consisting of four typewritten pages and each, except the signature page, identified with the marginal initials of the Testator, and thereupon we, at the request of the said Testator, in his presence and in the presence of each other, have hereunto subscribed our names as witnesses this 23rd day of November, 1955, and we do severally certify that the Testator was at said time of sound and disposing mind and free from restraint.

/s/ Mrs. Keith Ernest	residing at Hastings, Nebraska.
/s/ Carl E. Calmer	residing at Hastings, Nebraska.
/s/ A. P. Madgett	residing at Hastings, Nebraska.

## FIRST CODICIL TO LAST WILL AND TESTAMENT OF

CARL R. ANDERSON

I, Carl R. Anderson, of Hastings, Adams County, Nebraska, having made my Last Will and Testament dated the 23rd day of November, 1955, do now make this Codicil to be taken as a part of the same.

FIRST: I hereby confirm and ratify the said Will in every respect, excepting insofar as any part of it is inconsistent with this Codicil.

SECOND: In lieu of the property devised to my daughter, Lucile E. Holmes, in paragraph Second (b) of my Last Will and Testament, I hereby substitute therefor as paragraph Second (b) of said Will the following:

The South Half (S 1/2) of the Northeast Quarter (NE 1/4) and the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section Thirty (30), Township Seven (7) North, Range Five (5), West of the 6th P.M.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of March, 1962, at Hastings, Nebraska.

/s/ Carl R. Anderson  
Testator

Subscribed and sealed by the Testator in the presence of us and each of us and at the same time published, declared and acknowledged by him to us to be a first Codicil to his Last Will and Testament dated the 23rd day of November, 1955, consisting of two typewritten pages and each, except the signature page, identified with the marginal initials of the Testator, and thereupon we, at the request of the said Testator, in his presence and in the presence of each other have hereunto subscribed our names as witnesses this 28th day of March, 1962.

/s/ A. P. Madgett	residing in Hastings, Nebraska.
/s/ Ruth D. Hoy	residing in Hastings, Nebraska.

THE STATE OF NEBRASKA )

) SS.

CERTIFICATE OF PROBATE

ADAMS COUNTY )

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CLAY COUNTY, NEBRASKA

37806—OMAHA PRINTING COMPANY

At a session of the County Court, held in and for said County, at the County Court Room in Hastings, on this 20th day of October, A. D. 1964.

Present, Harry C. Haverly, County Judge:

IN THE MATTER OF THE ESTATE OF )

CARL R. ANDERSON, DECEASED. )

I, Harry C. Haverly, County Judge, in and for said County, do hereby certify that on this 20th day of October, A.D. 1964, the instruments purporting to be the Last Will and Testament and Codicil of the said Carl R. Anderson, deceased, which was filed in this Court, on the 1st day of October, A.D. 1964, and being the instrument to which this is annexed, was duly proved, approved, probated and allowed, as the Last Will and Testament and Codicil of the said Carl R. Anderson, deceased, in and for the State of Nebraska; and it was ordered to be recorded in the records of the County Court aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County Court, at Hastings, this 20th day of October, A.D. 1964.

/s/ Harry C. Haverly  
Judge of the County Court

SEAL

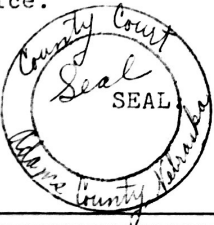
IN THE COUNTY COURT OF ADAMS COUNTY, NEBRASKA

State of Nebraska, County of Adams: ss

I, HARRY C. HAVERLY, COUNTY JUDGE in and for said County and State hereby certify that the above and foregoing is a true and correct copy of the FINDINGS AND DECREE, together with LAST WILL AND TESTAMENT and CODICIL and its CERTIFICATE OF PROBATE, issued and filed in the Matter of the Estate of Carl R. Anderson, deceased, as the same appears of record and in the files of this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the County Court at Hastings, in Adams County, Nebraska, this 3rd day of November, 1965.

Harry C. Haverly  
COUNTY JUDGE



Filed on Nov. 5, 1965 at 9 o'clock A.M.  
LoRee Oakley - County Clerk  
Janet Hajny - Deputy

IN THE COUNTY COURT OF CLAY COUNTY, NEBRASKA.

In the Matter of the Estate )  
of )

Lyman Louis Aker, deceased. )

Final Decree.

On this 8th day of November, 1965, at ten o'clock A.M. this matter came on to be heard upon the final report and petition for discharge of Russell H. Aker, Executor.  
It appears from proof on file that due and legal notice was given to the said