

# RECORD OF WILLS

Be it remembered, That on the 27<sup>th</sup> day of September, 1910, the same being the 20<sup>th</sup> Judicial day of the September Term A. D. 1910 of the Cass Circuit Court of Indiana, the following proceedings were had and entered of record in Probate Order Book No. 34 page 507, which said proceedings is in the words and figures following, to-wit:

In the matter of the estate        )  
   of   )  
 James D. Hann, dec'd.                )   Probate of will.

Comes now George W. Funk and presents to the court for probate an instrument in writing as and for the last will and testament of James D. Hann deceased dated Feb. 10, 1902 which will is duly proven and admitted to probate by the affidavit of George W. Funk one of the subscribing witnesses thereto in proof thereof wherein it is shown that at the time of the execution of the will the said decedent was a person over the age of 21 years, of sound and disposing mind and memory and not under any coercion or restraint or undue influence and that the said decedent departed this life in Cass County, Indiana intestate on July 30, 1910. And thereupon the court finds that said instrument in writing should be and is admitted to probate as the last will and testament of James D. Hann deceased and said will and testament together with the written affidavit of George W. Funk one of the subscribing witnesses therein in proof thereof is now ordered recorded by the clerk of this court in the will records thereof as the last will and testament of said decedent which will and testament and affidavit in proof thereof are in these words:

I, James D. Hann being of sound mind and disposing memory do make publish and declare this to be my last will and testament first revoking all former wills by me made:

Item: I direct that all my just debts be paid.

Item: In case my wife and I have not done so, I direct my executor to erect a monument for us at such cost as she shall think proper.

Item: I give and bequeath to my grand daughter Dora Mackey Two hundred Dollars (200.00) to be a charge upon my lands in case the personal property is not sufficient to pay it- Should she die before I do this bequest shall lapse.

Item: I give and bequeath to my grand child Aldred Foust Four hundred Dollars (\$400.00) and to my grand daughter Ada Foust Six hundred Dollars (\$600.00) and if either die before I do the survivor to take both bequests to include the share of such deceased and if both die before I do this bequest shall lapse- said bequests to be a charge upon my real estate in case that the personal estate shall not be sufficient for that purpose- Should my wife Phebe A. Hann survive me then said bequests to Dora Mackey, Aldred Foust and Ada Foust shall not be paid until after my said wife's death.

Item: I give devise and bequeath to my wife, Phebe A. Hann the following described real estate in Cass County, Indiana, to wit: The South forty eight (48) acres of the east ~~quarter (1/4) of section twenty two (22) township twenty six~~

in fee simple in my children Florence Sager, Ida Kinsey, Minnie Haas, Arthur Hann, and Harry Hann, share alike, and in case any of my said children to whom said lands are devised should die without children living such share upon such death of such child of mine shall go to my other said children named herein, excepting in case a husband or wife survive such child of mine such husband or wife shall take one third of such share and the balance go as above set out- In case of children of such child of mine being alive at the time of such death then my child's children to take their parents share- The bequest in this Item is made subject to the charge made in favor of my grand children, Dora Mackey, Aldred Foust and Ada Foust.

Item: I give devise and bequeath to my wife Phebe A. Hann all my personal property of every kind and description should she survive me, if I should survive her then I give and bequeath to my children, Florence Sage, Ida Kinsey, Minnie Haas, Arthur Hann and Harry Hann all my personal property share and share alike., and if either be dead without children living the share of such deceased shall go to the others named herein in this item. In case of children living such children to take their parents share- In case of such death of such child of mine without children living but a husband or wife surviving such surviving husband or wife to take one third of such share and the balance to go as aforesaid.

I appoint my wife, Phebe A. Hann to be the executrix of this my last will.

In testimony whereof I have set my name and seal this 10 day of February, 1902.

J. D. Hann. (Seal)

Signed, sealed, published and declared by the testator to be his last will and testament in our presence and in the presence of each other and we have in his presence at his request and in the presence of each other signed this instrument as witnesses the day and time above written.

Geo. W. Funk.

Carrie Birkenruth.

PROOF OF WILL.

State of Indiana, Cass County, SS:

Be it remembered, That on the 27 day of September, 1910 Geo. W. Funk one of the subscribing witnesses to the within and foregoing Last Will and Testament of J. D. Hann late of said County, deceased, personally appeared before John S. Lairy, Judge of the Circuit Court of Cass County, in the State of Indiana, and being duly sworn by the Clerk of said Court, upon his oath, declared and testified as follows, that is to say: That on the 10 day of February, 1902 he saw the said J. D. Hann sign his name to said instrument in writing as and for his Last Will and Testament, and that this deponent, at the same time, heard the said J. D.

# RECORD OF WILLS

367

Hann sign his name to said instrument in writing as and for his Last Will and Testament, and that this deponent, at the same time, heard the said J. D. Hann declare the said instrument in writing to be his Last Will and Testament, and that the said instrument in writing is, at the same time, at the request of the said J. D. Hann and with his consent, attested and subscribed by the said Geo. W. Funk and Carrie Birkenruth in the presence of said testator, and in the presence of each other as subscribing witnesses thereto, and that the said J. D. Hann was, at the time of the signing and subscribing of said instrument in writing, as aforesaid, of full age (that is, more than twenty-one years of age), and of sound and disposing mind and memory, and not under any coercion or restraint, or undue influence as the deponent verily believes, and that said J. D. Hann decedent departed his life in Cass County, Indiana, on the 30 day of July, 1910: and further deponent says not

Geo. W. Funk.

born to and subscribed by the said Geo. W. Funk before me, Edward Hankee, Clerk of said court, at Logansport, Indiana, the 27<sup>th</sup> day of September, 1910.

Edward Hankee, Clerk.

(Seal)