

# RECORD OF WILLS

w-3  
499

STATE OF INDIANA, CASS COUNTY, SS:

BE IT REMEMBERED, That on the 25th day of January, the same being the 20th Judicial Day of the Cass Circuit Court of the January Term, A.D. 1921, of Indiana the following proceedings were had and entered of Record in Probate Order Book #43, page 608, which proceedings are as follows, to-wit:

In the Matter of the estate {  
of { PROBATE OF WILL.  
Phebe A. Hann, deceased. }

Comes now George W. Walters, and presents to the court for Probate, an instrument in writing, purporting to be the last will and testament together with two instruments in writing, purporting to be codicils thereto, together with affidavits in proof thereof, in these words (insert), showing therein that at time of the execution of each of said instruments in writing, the said decedent was a person over the age of twenty-one years, of sound and disposing mind and memory, not under any coercion or restraint, and that decedent departed this life in Cass County, Indiana, on the 14th day of January, 1921. And the court having examined the instruments in writing, and being duly advised in the premises, now admits the said instruments in writing to probate, and the last will and testament and codicils thereof of said Phebe A. Hann, deceased, and the Clerk of this Court is ordered to record the will and codicils thereto, in the will records of this county, which will and testament and codicils thereto, are in these words, to-wit:

I, Phebe A. Hann, being of sound mind and memory do hereby publish and declare this to be my last will and testament, first revoking all former wills made by me.

Item 1. It is my will that all my just debts be paid.

Item 2. I give, devise and bequeath to my grandson, Alson of my deceased daughter, Lizzie Foust the sum of Six hundred dollars (\$600.00) and to my granddaughter, Ada Foust, the daughter of my said deceased daughter, I give, devise and bequeath the sum of Four Hundred dollars (\$400.00) and if either of my grandchildren should die before I do, then the devise herein to both of my said grandchildren shall lapse for the reason that my deceased husband, James D. Hann in his will and testament has made ample provision for the survivor of my said grandchildren in case of the death of either one of them.

Item 3. I give, devise and bequeath to my daughter, Etta Shope for and during the term of her natural life the following described real estate situate in Cass County, Indiana, to-wit: The west ten (10) acres of the northeast quarter ( $\frac{1}{4}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section twenty-seven (27) township twenty-six (26), range three (3) east and in case my said daughter should survive her present husband, then at his death the life estate herein created shall terminate and the simple title in and to said real estate shall vest in her and should she die before her present husband then the fee simple, title in and to said real estate shall vest in her children now living and hereafter born to her.

My deceased husband, ~~xxxxxxx~~ James D. Hann, in his last will and testament did not devise anything to his and my daughter, Ethel Shope and made no provision whatever for her. It is my intention that she shall share equally with all our other children and wish to make a provision for her that will in the end equalize her with our other children. In order to accomplish such purpose, I will and direct that all my real estate and personal property, shall be appraised by two competent appraisers, and if they cannot agree such appraisers to select a third appraiser and such appraisement to include the ten acre tract devised to my said daughter, Ethel Shope in item number three hereinbefore set out and also the real estate devised by my said husband in his said last will and testament to me during my natural life and the fee therein to my other children, Florence Sager, Ida Kinsey, Minnie Haas, Arthur Hann and Harry Hann and if it should be found that by such appraisement that the ten acre tract of land hereinbefore devised to my said daughter, Ethel Shope does not equal in value the value of the share of each of our said other children, Florence Sager, Ida Kinsey, Minnie Haas, Arthur Hann, and Harry Hann in the estate of my said deceased husband then my said daughter, Ethel Shope shall have sufficient property out of my estate to make up the deficiency in amount, and in case the value of said ten acre tract devised to my said daughter, Ethel Shope shall exceed the value of the ~~xxxxx~~ share of each of our other <sup>said</sup> children, devised to them by my said husband then each of our other said children, namely, Florence Sager, Ida Kinsey, Minnie Haas, Arthur Hann and Harry Hann, shall have a sufficient amount of property out of my estate to make each one equal with my said daughter, Ethel Shope. After all of my and my said husband's children, namely, Ethel Shope, Florence Sager, Ida Kinsey, Minnie Haas, Arthur Hann and Harry Hann shall have been made equal as aforesaid then all the rest and residue of my real estate and personal property I give, devise and bequeath to our said children, Ethel Shope, Florence Sager, Minnie Haas, Arthur Hann and Harry Hann and Ida Kinsey sharing equally, all my real estate herein devised I devise in fee simple and the valuation to be made as herein directed shall be the value of said property at the time of my death.

Item 5. In case my said daughter, Ethel Shope shall die before I do then the specific legacy to said ten acre tract of land to her shall ~~xxxx~~ lapse, but her children now living and those that may be hereafter born to her shall take property of my estate sufficient in value to equal the value of said ten acre tract instead of said specific tract of land, but the whole amount of my estate that the said children of my said daughter, shall take, shall be ascertained and determined as set out in Item 4, preceding this item.

Item 6. If any of my said children should die before I do, leaving only one child living. in such event it is estimated by me that such child would receive property out of the estate of my deceased husband, James D. Hann of the value of one thousand dollars, and if it does not receive that amount I give and bequeath to such child of my said child, if deceased, sufficient property out of my

RECORD OF WILLS

ESTATE TO MAKE ONE THOUSAND DOLLARS IN VALUE ~~OUT OF THE ESTATE MY SAID~~ ~~HUSBAND AND MYSELF~~ ~~INSTEAD OF THE SHARE HEREIN BEQUEATHED~~ TO MY SAID CHILD IT BEING

my intention that the amount received from both estates, that is my and my husbands estates, by an only child of any child of mine that dies before I do shall not exceed in value one thousand dollars, and if any one of my said children should die before I do leaving two children living then I give and bequeath to each one of said two children sufficient so that each one of said two children shall receive property to the value of one thousand dollars each out of the estates of my said husband and myself, intending that one Thousand dollars each shall be all that each one of said two children ~~xxx~~ shall receive out of both estates and they shall not take the share devised to their parent herein. In the event that ~~my~~ any one of my said children should die before I do, leaving three or more children, living then said three or more children of such deceased child of mine shall take their parents share as devised by me herein.

Item 7. In case that my grandchild, Ada Foust shall die before I do and leave surviving her one or more children, then I give, devise and bequeath to said child or children of my said grand-child the sum of Three Hundred Dollars.

Item 8. I appoint my son, ~~xxxxx~~ Arthur Hann to be the executor of this my last will and testament.

In testimony whereof I have hereunto set my name and seal after the words "devised to them by my said husband" were inserted in item #4 of this, y will and after the 3rd and 4th lines in item 5 of this will were stricken out by drawing an ink line across the hole length and after the words "to her" were inserted in the 6th line of item 5 of this will this 4th day of January, 1912.

Phebe A. Hann (Seal)

Signed, sealed, published and declared by the testatrix Phebe A. Hann to be her last will and testament in our presence and in the presence of each other and at her request in her presence and in the presence of each other we have set our names as witnesses the day and year above written namely, January 4th, 1912.

Geo. W. Funk
Selma Berwanger

~~xxxxxx~~

I, Phebe A. Hann, do hereby make and declare this to be my first codicil to my will made by me, dated the 4th day of January, 1912, and witnessed by Geo. W. Funk and Selma Berwanger, and I intend to number the items in this codicil as a continuation of the numbers in my said will and the first item in this codicil I number item 9.

Item 9. In item 2 of my said Will, I devised to my grandchild Aldred Foust, son of my deceased daughter, Lizzie Foust, the sum of \$600.00. I desire to change this from the sum of \$600.00 to the sum of \$200.00 and make said devise in THE SUM OF \$200 INSTEAD OF \$600.00. I ALSO CHANGE THE DEVISE IN SAID ITEM MADE TO

# RECORD OF WILLS

502

my granddaughter, Ada Foust, the daughter of my said deceased daughter, where in I devised to her the sum of \$400.00. I change this devise and give and bequeath to her the sum of \$200.00 instead of \$400.00.

Item 10. I charge the share of my daughter, Florence Sager with the sum of \$250.00, for the reason that I have been put to considerable more expense that that in maintaining her daughter, Dora Mackey, who makes her home with me, and I devise and bequeath to Dora Mackey, daughter of my child Florence Sager, the one-fifth of the entire devise and bequest that I gave my said daughter Florence Sager in my said will and as modified by this codicil, in the event that I die before my said daughter Florence Sager dies, intending that my said daughter, Florence Sager shall receive four-fifths of her said devise, and her child Dora Mackey shall receive one-fifth thereof. In the event that my said daughter, Florence Sager shall die before ~~me~~ I do, then the devise that I have made to my said daughter, Florence Sager in my said Will as modified in this codicil, shall be ~~me~~ shared equally by all of the children of my said daughter Florence Sager, including Dora Mackey.

Item 11. It is the intention that my said Will hereinbefore named shall stand as written, and I re-affirm it in all of its parts except as modified by this codicil.

In Witness whereof, I have hereunto set my name and seal this 7th day of March, 1914.

Phebe A. Hann (Seal)

Signed, sealed, published and declared by the testatrix, Phebe A. Hann, to be her codicil to her last Will and Testament, dated the 4th day of January, 1912, in our presence and in the presence of each other and at her request in her presence and in the presence of each other, we have set our names as witnesses the day and year above written.

Geo. W. Funk

Selma Berwanger.

I, Phebe A. Hann, do hereby make and declare this to be my second codicil to my Will made by me, dated the 4th day of January, 1912 and witnessed by Geo. W. Funk and Selma Berwanger. In Item six of my Will I wish to change my devise to my grandchildren from one Thousand dollars to eight hundred dollars. I wish the devise to be the same as in item 6, only that if any of my children die before I do, leaving one child or two children, they shall take eight hundred dollars each, instead of one thousand as aforesaid, and if three or more children be left, by a child of mine, they take their parents share.

If the devise in this item exceed the parents share then said grandchildren only take their parents share. This I do to equalize more between my grandchildren. I will and bequeath for Christian Missionary purposes \$100.00, fifty dollars for Home Missions, and fifty dollars for Foreign Missions.

# RECORD OF WILLS

503 51

I wish my will to stand as written and I reaffirm it in all its parts, except as modified by these two codicils.

In Testimony Whereof I have hereunto set my name and seal this 8th day of September, 1917.

Phebe A. Hann (Seal)

Signed, sealed, published and declared by the Testatrix Phebe A. Hann, to be her second Codicil, to her last Will and testament dated the 4th day of January, 1912, in our presence and in the presence of each other and at her request in her presence and in the presence of each other, we have set our names as witnesses the day and year above written.

Martin H. Huffman

Carrie S. Huffman.

STATE OF INDIANA, CASS COUNTY, SS:

BE IT REMEMBERED, That on the 25<sup>th</sup> day of January, 1921 there was filed in the office of the Clerk of the Circuit Court, an instrument in writing, purporting to be a codicil to the last will and testament of Phebe A. Hann and numbered and as attached to her said will reading in the words and figures following to-wit (insert). And personally came Carrie S. Huffman one of the subscribing witnesses to the ~~of~~ foregoing instrument of writing, who, being by me first duly affirmed deposes and says that Phebe A. Hann the testator named in the instrument of writing, purporting to be said Codicil to her last Will and Testament did sign, seal, publish and declare the same to be such codicil to her last Will and Testament, on the day of the date thereof: that the said testatrix was, at the said time, of the full age of twenty-one years, and of sound and disposing mind and memory, and that she was not under coercion, compulsion or restraint, and that she was competent to devise her property. And that the said testatrix so signed, sealed, published and declared the same to be, such codicil to her last will and testament, in manner and form as aforesaid, in the presence of affiant and of Martin H. Huffman, the other subscribing witness thereto: and that they each attested the same and subscribed their names as witnesses thereto, in the presence and at the request of said testatrix and in the presence of each other and that said testatrix departed this life on the 14th day of January, 1920.

Carrie S. Huffman

Subscribed and sworn to before me, in witness of which I hereunto affix the seal of said Court and subscribe my name at Logansport, Ind. this 25<sup>th</sup> day of January, A.D. 1921.

Chas. O. Brown, Clerk.

# RECORD OF WILLS

504

STATE OF INDIANA, CASS COUNTY, SS:

I, Chas. O. Brown, Clerk of the Cass Circuit Court of the County of Cass in the State of Indiana, do hereby certify that the foregoing last Will and Testament of Phebe A. Hann has been duly admitted to probate before the Judge of the Cass Circuit Court. That the same was proven by the examination under oath of Carrie S. Huffman one of the subscribing witnesses thereto, and that a full and complete record of said Will, and of the proof and examination of the witness by whom the same was proven has been made, and are now of record in Will Record No. 9 of said County on pages 499 to 503 inclusive.

In Testimony whereof, I have hereunto affixed the seal of the Said Court and subscribed my name at Logansport, this 25th day of January, A.D. 1921.

Chas. O. Brown, ~~clerk~~  
Clerk Cass Circuit Court.

STATE OF INDIANA, CASS COUNTY, SS:

BE IT REMEMBERED, That on the 25th day of January, 1921, there was filed in the office of the Clerk of the Circuit Court, an instrument in writing, purporting to be the last will and testament of Phebe A. Hann and a codicil thereto attached and being number one reading in the words and figures following, to-wit: (insert).

And Personally came Selma Berwanger, one of the subscribing witnesses to the ~~of~~ foregoing instrument of writing, who, being by me first duly sworn, upon oath deposes and says that Phebe A. Hann the testator named in the instrument of writing purporting ~~it~~ to be her last Will and Testament, ~~XXXXXX~~, ~~XXXXXX~~ and the codicil attached thereto, did sign, seal and publish and declare the same to be her last will and testament and said codicil to said will on the day of the date thereof: that the said testatrix was, at the said time of securing both instruments of the full age of twenty-one years, and of sound and disposing mind and memory, and that she was not under coercion, compulsion, or restraint, and that she was competent to devise her property in each instance. And that the said testatrix so signed, sealed and published and declared the same to be her last Will and Testament, and such codicil as the same was attached to said Will in manner and form as aforesaid, in the presence of affiant and of Geo. W. Funk, the other subscribing witness thereto; and that they each attested the same and subscribed their names as witnesses thereto, in the presence and at the request of said testatrix and in the presence of each other, and that said testatrix departed this life on the 14th day of January, 1921.

Selma Berwanger.

Subscribed and sworn to before me, in witness of which I hereunto

# RECORD OF WILLS

505

affix the seal of said Court and subscribe my name at Logansport, Indiana, this 25th day of January, A.D. 1921.

Chas. O. Brown,  
Clerk.

STATE OF INDIANA, CASS COUNTY, SS:

BE IT REMEMBERED, That on the 25th day of January, 1921 there was filed in the office of the Clerk of the Circuit Court, an instrument in writing, purporting to be a codicil to the last will and testament of Phebe A. Hann and numbered 2 as attached to his said will reading in the words and figures following, to-wit: (insert). And personally came Carrie S. Huffman one of the subscribing witnesses to the foregoing instrument of writing, who, being by me first duly affirmed deposes and says that Phebe A. Hann the testator named in the instrument of writing, purporting to be said codicil to her last Will and Testament, did sign, seal, publish and declare the same to be such codicil to her last Will and Testament, on the day of the date thereof; that the said testatrix was, at the said time, of the full age of twenty years, and of sound and disposing mind and memory, and that she was not under coercion, compulsion or restraint, and that she was competent to devise her property. And that the said testatrix so signed, sealed and published and declared the same to be such codicil to her last Will and Testament, in manner and form as aforesaid, in the presence of affiant and of Martin N. Huffman, the other subscribing witnesses thereto; and that they each attested the same and subscribed their names as witnesses thereto, in the presence and at the request of said testatrix and in the presence of each other, and that said testatrix departed this life on the 14th day of January, 1921.

Carrie S. Huffman

Subscribed and sworn to before me, in witness of which I hereunto affix the seal of said Court and subscribe my name at Logansport, Ind. this 25th day of January, A.D. 1921.

Chas. O. Brown,  
Clerk.

STATE OF INDIANA, CASS COUNTY, SS:

I, Chas. O. Brown, Clerk of the Cass Circuit Court of the County of Cass in the State of Indiana, do hereby certify that the foregoing last Will and Testament of Phebe A. Hann has been duly admitted to probate before the Judge of the Cass Circuit Court. That the same was proven by the examination under oath of Carrie S. Huffman one of the subscribing witnesses thereto, and that a full and complete record of said Will, and of the proof and examination of the witness by whom the same was proven has been made, and are now of record in Will Record No. 9 of said County on pages 499, to 503 inclusive.

In Testimony Whereof, I have hereunto affixed the seal of said Court and subscribed my name at Logansport, this 25th day of January, A.D. 1921.

Chas. O. Brown  
Clerk Cass Circuit Court.