

ESTATE OF
SAMUEL S. JOHNSTON,
DECEASED

No. 5898.

And now, to-wit, April 6, 1915, the Hon. Milo P. Smith presiding judge, and Homer James appearing as attorney for the Estate, the instrument filed herein purporting to be the last Will and Testament, and Codicil thereto, of said deceased, comes on for hearing and proof, and it

appearing to the court that due Notice of said hearing has been given to all parties interested, and no one appearing in any manor to object thereto, and the Court having examined C. F. Butler one of the subscribing witnesses to said will and Homer James a witness to the Codicil, in open court, and the court being advised and satisfied in the premises, finds that said instruments are what they purport to be, and that said deceased was of age and of sound mind at the time of making said instruments. It is, therefore ordered that said instruments be, and the same are hereby admitted to probate as and for the last Will and Testament and Codicil of

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said deceased, and the Clerk of this Court is directed to certify the same for record.

And it is further ordered that the appointment of Homer James, as Executor by the will, is confirmed, and that Letters Testamentary issue to him upon filing with the Clerk of the Court a Bond in the sum of \$500.00.

The last Will and Testament and Codicil of said Samuel S. Johnston, Deceased, filed herein on March 17th, 1915, are in the words and figures following, to-wit:

WILL OF SAMUEL S. JOHNSTON.

I, Samuel S, Johnston of Linn Grove, Linn County, Iowa, being of lawful age, sound mind and memory, do make, publish and declare the following to be my last Will and Testament, hereby revoking all former wills by me made.

FIRST.

I direct that all my legal debts including costs of administration, expenses of my last sickness and funeral expenses be paid.

SECOND.

I give, devise and bequeath to my wife, Jane Johnston, all the household goods and furniture, I have at time of my death.

THIRD.

I give, devise and bequeath to my said wife, Jane Johnston, one third of all my personal property of whatsoever kind, of which I may die seized, after the payment of claims as mentioned in paragraph one hereof.

FOURTH

I give, devise and bequeath to my said wife, Jane Johnston, the use rents, profits and occupancy, during her lifetime of all the real estate of which I may die seized, which shall be in lieu of her dower right or statutory interest therein as my surviving widow. And in case my wife desires or if it should be the wish of all parties interested, she may elect to take one third of my estate instead of excepting the provisions of this my last will.

FIFTH.

I give, devise and bequeath to my daughters, Anna Belle Goodyear and Lucy Walker Bilsland, each the one third of the remaining, two thirds of my personal property after the conditions of paragraph one have been carried out.

SIXTH.

I give, devise and bequeath to Frieda Elizabeth Johnston, Lee Andrew Johnston and Winona Richardson as the only children and some heirs of my son David Lee Johnston, deceased, giving and dividing equally between the three above named children the one third of the two thirds of my personal property that their Bather Davis Le Johnston would receive if her were living. And it is my wish that the three children of David Lee Johnston, deceased, shall have their share of the expenses as provided for in paragraph one. And it is my wish and desire that my children or their heirs shall share and share alike in the division of my property. And if my wife, Jane Johnston accepts the condition provided for her in this will, then after her death I want all my real estate sold and divided equally between my three children or the heirs of those not living at the time of my wife's death. And if my wife, Jane Johnston, desires to take the one third of all my real estate, instead of a life lease of same, then in that event I want all my

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real estate sold giving one third to my wife, Jane Johnston, and the other two thirds is to be divided equally between me my three children or their heirs on the same terms and under the conditions that my personal property was divided.

SEVENTH.

And it is my further wish and desire that there be a Guardian appointed for Frieda Elizabeth Johnston and Lee Andrew Johnston, the two minor children of my son, David Lee Johnston, deceased, and I ask the Court to appoint Homer Hames, said guardian. Said Guardian to give a bond to be approved by the Court, and it shall be the duty of said Guardian to keep and care for the money and funds that will come to said minor children through the provisions of this will, keeping said funds on interest as far as can be with safety and when said minor children above named become of age or married, then said guardian is

to make settlement and turn over to the said heirs of David Lee Johnston, deceased, all moneys and credits due them under the order and approval of the court.

EIGHTH.

I hereby give my executor hereinafter named, the authority to sell the property real and personal belongings to my estate without the intervention, order or approval of any Court for the purpose of settling my estate and making distribution of the proceeds thereof.

NINTH.

And lastly, I do hereby nominate and appoint Homer James, to be Executor of this my last will and testament.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13th day of February, A. D. 1908.

C. F. Butler,
Witnesses.
Samuel James Jr.

S S J
Samuel S. Johnston.

The above instrument consisting of six sheets was at the date thereof signed sealed, published and declared by the said Samuel S. Johnston as and for his last will and testament in presence of us who at his request and in his presence and in the presence of each other, have subscribed our names as witnesses thereto.

C. F. Butler.
Residing in Springville, Linn County, Iowa.
Samuel James Jr.
Residing in Springville, Linn County, Iowa.

CODICIL.

I, Samuel S. Johnston of Linn Grove, Linn County, Iowa, having made my last Will and Testament bearing date the 13th day of February, 1908, do now make this Codicil to be taken as a part of the same.

FIRST.

I wish all my personal property that is not exempt to my widow and should be held by her converted into money and then after all my debts are paid as provided for in my last will to be divided at once betwene my heirs as my last will provides or as soon as practical.

Samuel Johnston.

We the undersigned witnesses at the request of Samuel S. Johnston, were witnesses to his signature to the above Codicil, was signed in our presence by Samuel S. Johnston, this 3rd day of December, 1909.

Homer Jones, Residing at Springville, Iowa.

Lucy James, Residing at Springville, Iowa.

IN THE DISTRICT COURT OF THE STATE OF IOWA, IN AND FOR LINN COUNTY.

IN PROBATE.

No. 5898.

In the Matter of the Estate

of

Samuel S. Johnston, Deceased.

Certificate of Probate of Will.

I, P. O. Clark, Clerk of the District Court in and for said County and state, do hereby certify that on the 6th day of April, 1915, the will and codicil thereto of Samuel S. Johnston, deceased, to which this certificate is annexed, which will is dated February 13th, 1908 and Codicil is dated December 3rd, 1909, was duly admitted to probate by said Court as and for the last Will and Testament of said decedent.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court this 6th day of April, 1915.

P. O. Clark, Clerk.

by: R. E. Tripp, Deputy.

(D C SEAL)

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