

Miscellaneous Record, No. 22, Madison County, Iowa

Hattie A. Houtby

#3860

Filed for record the 29 day of
September A.D. 1936 at 4:50 o'clock
P.M.
Valda O. Bishop, Recorder
Pearl E. Shetterly, Deputy

To

The Public

Fee \$ 1.90 ✓

SHORT WILL.

IN THE NAME OF GOD, AMEN

I, Mary A. Houtby of North Loup in the County of Valley, State of Nebraska, being of sound mind and memory and considering the uncertainty of this frail and transitory life, do therefore make, ordain, publish and declare this to be my last Will and Testament.

First, I order and direct that my Executor hereinafter named, pay all my just debts and funeral expenses as soon after my decease as conveniently may be.

Second, After the payment of such funeral expenses and debts, I give, devise and bequeath to my husband Edward Houtby all of my property both real and personal to be his and remain his during his natural life only and thereafter that all of said property both real and personal be given and disposed of as follows:- to-wit; To my son George T. Houtby the sum of One Dollar and any and all the amount now due me or to become due me by reason of funds heretofore given or loaned to him the said George T. Houtby by myself or my husband Edward Houtby. To my daughter Martha F. Clark the sum of Two Thousand Dollars in cash or its equivalent in value in the other real or personal property; to my grand daughter, Hattie Houtby the sum of One Thousand Dollars in cash or other property of equal value. The remainder of my estate if any be equally divided between my daughter Myrtle Moore and my son Edgar Houtby.

This my Last Will and Testament is made with the understanding and belief that a fair value of my estate is Six Thousand Dollars and if more the amount in excess thereof be divided equally between the said Martha F. Clark Myrtle Moore and Edgar Houtby.

LASTLY, I make, constitute and appoint M.E. McClellan to be Executor of this my last Will and Testament, hereby revoking all former wills by me made

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal, the 10th day of February, in the year of our Lord, one thousand nine hundred twenty-nine. her

Witness to signature by mark
Chas Chinn Clifton McClellan

Mary A. Houtby
Mark

Seal

This instrument was on the day of the date thereof, signed, published and declared by the said testator Mary A. Houtby to be her last Will and Testament in the presence of us who at her request have subscribed our names thereto as witnesses in her presence and in the presence of each other.

Clifton W. McClellan

Chas Chinn

STATE OF NEBRASKA, VALLEY COUNTY, SS.

I hereby certify that the within instrument was filed
Oct. 2nd A.D. 1930 Case No. 41 and duly Recorded in
Probate Record No. 22 on page No. 1

J.W. Hollingshead, County Judge

IN THE COUNTY COURT OF VALLEY COUNTY, NEBRASKA.
IN THE MATTER OF THE ESTATE OF

FINAL DECREE.

MARY A. HOUTBY, DECEASED.

Now on this 6th day of November, 1931, this matter came on for hearing on the partial report of the executor, and the petition for distribution. It appears to the court that due and legal notice has been given of the hearing hereon, and that no one appeared to contest the said report and petition; that the said report appears to be just and correct, except that since the same was made, the sum of \$11.00 has been received from Iowa, which reduces the amount of deficiency advanced by the said Edward Houtby to \$89.53 plus the sum of \$200.00, making a total due him of \$289.53 instead of \$300.53.

That there remains undisposed of, the following described personal property, to-wit: one-half interest in a note and mortgage made by one Fred A. Atkins, in the principal sum of \$1,000.00,

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One-half of which belongs to the estate of said deceased, with interest since April 1, 1931; that when the same is paid in, or otherwise converted in to cash, that there should be paid to the said Edward Houtby, the said sum of \$289.53, hereinbefore referred to, for reasons stated in the partial account and in this decree; that the amount remaining, if any, should be distributed as follows: one-third thereof to the said Edward Houtby, as his part thereof under and by virtue of the inheritance statutes of the State of Nebraska, and the other two-thirds as follows: (1) \$1.00 to George T. Houtby; (2) The remainder to be divided between Martha F. Clark and Hattie Houtby in the proportion of two-thirds thereof to the said Martha F. Clark and one-third to the said Hattie Houtby; that the said payments to the said Martha F. Clark and Hattie Houtby are to apply on their legacies of \$2,000.00 and \$1,000.00, respectively as set forth in the Last Will and Testament of said deceased.

That should there be any additional expenses with reference to the said estate, or with reference to distribution thereof, that the same should be deducted from the receipts prior to the distribution above outlined; that any receipts in the line of rental, except from property exempt as a homestead, should be distributed the same as the above described personal property, to-wit: one-third to Edward Houtby, and the other two-thirds to the said Martha F. Clark and Hattie Houtby in the proportions above set forth, after the \$1.00 legacy to George T. Houtby is paid; that the said partial account, as slightly modified herein, is approved and allowed.

That there remains undisposed of, the following described real estate in Valley County, Nebraska, to-wit: Lots Five (5) to eight (8), inclusive, Block four (4), Original Townsite of North Loup, Valley County, Nebraska; that Lots five (5) and six (6) of said Block, constituted the homestead of the deceased at the time of her death; that the said Edward Houtby, having duly elected to take under the law, is entitled to an undivided one-third interest in and to all of said real estate, and a homestead interest in the two lots, to-wit:

Lots five (5) and six (6), which were the homestead of the said deceased; that the other undivided two-thirds interest in and to said real estate, subject to the homestead interest in lots five (5) and six (6) thereof, is vested in accordance with the Last Will and Testament of said deceased; that upon the conversion of the said undivided two-thirds interest into money by judicial sale, executor's sale, or otherwise, the money received from the undivided two-thirds interest is hereby vested in the said Edward Houtby, and subject in part, to the homestead in the said Edward Houtby, should be, and the same is hereby ordered to be divided as follows: two-thirds thereof to the said Martha F. Clark, and one-third to the said Hattie Houtby, up to but not exceeding, the sums allowed them under and by virtue of the Last Will and Testament of said deceased, after crediting thereon the amount, if any, paid on said legacies out of the personal estate; in the event there is sufficient money realized from either the personal or real estate, or both, to entirely pay the legacy to the said Martha F. Clark of \$2,000.00, and to Hattie Houtby of \$1,000.00, then the balance, if any, to be equally divided between Myrtle Moore and Edgar Houtby, children of said deceased, in accordance with the said Last Will and Testament; that it is found that the said estate does not exceed the total valuation of \$6,000.00, and that there is nothing to divide in accordance with the paragraph with reference to the possibility that said estate might exceed said sum.

It is, therefore, ordered, adjudged and decreed that the said partial account may be approved, as herein set forth; that the shares of said real estate, hereinbefore described as going to the said Edward Houtby, is hereby vested in him, in fee simple, and the balance of said real estate is distributed as hereinbefore set forth; that this executor is not discharged at this time, for reasons set forth in the partial account.

(SEAL) STATE OF NEBRASKA, VALLEY COUNTY, SS
I, hereby certify that the within instrument was filed Nov. 9th A.D. 1931. Case No. 41 and duly recorded in Probate Record No. 22 at Page No. 7-8
J.H. Hollingshead, Judge of the County Court.
J.H. Hollingshead, County Judge.

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IN THE COUNTY COURT OF VALLEY COUNTY, NEBRASKA.

IN THE MATTER OF THE ESTATE OF

Supplemental Decree.

MARY A HOUTBY, DECEASED.

Now on this 23rd day of August, 1933, this matter came on for hearing upon the application of M.E. McClellan, executor of said estate of Mary A. Houtby, deceased, and the evidence, and the court finds that the same is true and should be granted; that the said deceased left among other assets, lots 2 to 8 inc. Block 4, original town site of North Loup, Valley County, Nebraska; that same was vested one third in the husband of said deceased, Edward Houtby, who also had a homestead interest in said lots 5 and 6; that said Hattie Houtby become the sole heir and legatee of said Edward Houtby, on his decease, and same now vests in her; that the other two thirds was to pay off legacies to Martha F. Clark and the said Hattie Houtby amounting to \$3,000.; that certain other legacies were also granted in said will of said deceased, but there in not nearly sufficient property belonging to said estate to pay these two legacies and so the other and subsequent legatees receive nothing; that Martha F. Clark has conveyed and assigned all her interest in and to said estate and specifically including what may be received from the estate in Iowa, so that the said Hattie Houtby is now the owner of all of the real and personal property of said estate of every kind and nature and the same is hereby vested in her; that the \$1.00 legacy to George T. Houtby had been tendered into court for him; that the said executor is hereby released and discharged and his bond released, in so far as the same can be legally done, and it is further ordered that Hattie Houtby be appointed administratrix, de bonis non, with the will annexed, upon her qualifying and giving bond in the sum of \$300.00 with sureties to be approved by the court; that any and all money coming from the property in Iowa, listed in the inventory, or otherwise also all belongs to the said Hattie Houtby and is vested in her.

(SEAL)

STATE OF NEBRASKA, VALLEY COUNTY, SS:

I, hereby certify that the within
instrument was filed August 23rd A.D. 1933
Case No. 44 and duly recorded in Probate
Record 22 at page No. 41-8

John L. Andersen, County Judge.

John L. Andersen County Judge.

*Recorder's Office - For
Judge's Certificate and
following instrument*