

Will of Michael Biberstein

Michael Biberstein	Of Decatur, Indiana; makes his last will & testament	Aug. 6, 1953
Norman Biberstein	Son; Share estate with his siblings	
Mabel Lister	Dau; Share estate with her siblings	
Marie Lyttle	Dau; Share estate with her siblings	
Arvena Beard	Dau; Share estate with her siblings	
Beulah Bowman	Dau; Share estate with her siblings	
Betreve Everett	Dau; Share estate with her siblings	
Norman Biberstein	Appointed executor of will of Michael Biberstein	
Mabel Lister	Appointed executrix of will of Michael Biberstein	
B. Remy Bierly	Attorney for estate	
Mary Catherine Spangler	Witness to signature of Michael Biberstein	
Rosemary Spangler	Witness to signature of Michael Biberstein	
Michael Biberstein	Died	May 16, 1960
Mary Catherine Spangler	Affidavit of death	May 23, 1960
Richard D. Lewton	Clerk	
Mary Catherine Spangler	Proof of will by subscribing witness	May 23, 1960
Richard D. Lewton	Clerk	
Richard D. Lewton	Clerk; will has been admitted to probate	May 23, 1960
Myles F. Parrish	Probate Judge	

#5549

LAST WILL AND TESTAMENT OF MICHAEL BIBERSTEIN.

I, Michael Biberstein, of Decatur, Adams County, Indiana, being of sound mind and disposing memory, hereby revoke all former wills and testamentary instruments by me made and declare and publish this my Last Will and Testament, to-wit:

ITEM I.

I hereby direct my Co-Executors hereinafter named to pay all my just debts, expenses and burial as soon after my decease as can reasonably be done without sacrifice of my estate.

ITEM II.

It is further my will that my Executors pay the cost of the administration of my estate and the same shall be done out of the personal estate if funds thereof are sufficient to pay the same.

ITEM III.

I direct my Executors to sale any real estate of which I may die seized during the administration of my estate so that the net proceeds thereof may be distributed at the same time as any other personal assets that may be available for distribution.

ITEM IV.

After payment of charges heretofore set forth, I will, give, bequeath and devise the residue of my estate to my son and daughters, to-wit: Norman Biberstein, Mabel Lister, Marie Lytle, Arvena Beard, Beulah Bowman and Betreva Everett, share and share alike.

ITEM V.

I nominate, constitute and appoint my son, Norman Biberstein, and my daughter, Mabel Lister, as Executor and Executrix of this my Last Will and Testament, provided, that in the event either my son, Norman Biberstein, or my daughter, Mabel Lister, decline to serve the other shall be the sole Executor or Executrix of this my Last Will and Testament.

ITEM VI.

I direct my Executor and Executrix hereinafter named to

Page 2. Last Will and Testament of Michael Biberstein

EMPLOY G. Remy Bierly, Attorney, Decatur, Indiana, as attorney for my estate providing that he agree to charge only the minimum set for attorneys' fees in an estate by the Adams County Bar Association.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal at Decatur, Indiana, this 6th day of August, 1953.

/s/ MICHAEL BIBERSTEIN
Michael Biberstein, Testator.

The foregoing instrument being the Last Will and Testament of Michael Biberstein, consisting of two (2) typewritten pages including this page, was signed and sealed by the said Michael Biberstein, in our presence, and by him duly declared and published as and for his Last Will and Testament, and thereupon, at his request and in his presence, and in the presence of each other, we hereunto subscribe our names as attesting witnesses thereto, at Decatur, Indiana, this 6th day of August, 1953.

/s/ MARY CATHERINE SPANGLER
Witness

R. 2 Decatur, Ind.
Address

/s/ ROSEMARY SPANGLER
Witness

R. 2 Decatur, Ind
Address

AFFIDAVIT OF DEATH and PROOF OF WILL and CERTIFICATE OF PROBATE
(By Subscribing Witness)

Estate No. 5549

STATE OF INDIANA }
COUNTY OF ADAMS } SS:

IN THE ADAMS CIRCUIT COURT

RE ESTATE OF }
MICHAEL BIBERSTEIN }
Deceased }

Docket _____ Page _____

AFFIDAVIT OF DEATH

Mary Catherine Spangler, being duly sworn, on oath says that Michael Biberstein died on or about the 16th day of May, 1960 and at the time of such death was a resident of such county and state.

/s/ MARY CATHERINE SPANGLER
Mary Catherine Spangler

Subscribed and sworn to before me this 23rd day of May, 1960.

(SEAL)

/s/ RICHARD D. LEWTON, Clerk

PROOF OF WILL (By Subscribing Witness)

Mary Catherine Spangler, being duly sworn by the undersigned Clerk of the Adams Circuit Court of Adams County, Indiana, on oath says:

1. Affiant is one of the subscribing witnesses to the foregoing written instrument dated August 6, 1953, purporting to be the LAST WILL AND TESTAMENT OF Michael Biberstein (hereinafter called the "decedent").
2. Such instrument was on the date thereof duly executed, published and declared by such decedent to be the Last Will and Testament of such decedent.
3. At such time, such decedent was the full age of twenty-one years, of sound and disposing mind and memory, under no coercion, compulsion or restraint, and competent to devise his property.
4. Such decedent signified that such instrument was his Last Will and Testament, and duly executed same, in the presence of the subscribing witnesses thereto, namely, the affiant and Rosemary Spangler.
5. In the presence of such decedent and in the presence of each other, each of subscribing witnesses attested and signed the same as witnesses thereto.

/s/ MARY CATHERINE SPANGLER
Mary Catherine Spangler

Subscribed and sworn to before me, in witness of which, I hereunto affix the seal of such Court, and subscribe my name at Decatur, Indiana, this 23rd day of May, 1960.

(SEAL)

/s/ RICHARD D. LEWTON Clerk

STATE OF INDIANA, COUNTY OF Adams, SS:

CERTIFICATE OF PROBATE

I, Clerk of the Adams Circuit Court of Adams County, Indiana, do hereby certify that:

- (1) the foregoing Will and Testament of Michael Biberstein, deceased, has been duly admitted to probate before Myles F. Parrish, Judge of said Court;

(2) the same was proved by the examination under oath of Mary Catherine Spangler, one of the subscribing witnesses thereto and by the examination under oath of _____ ;
(3) such will has been recorded in Will Record N page 144 in the Will Records of such County; and (4) a full and complete record of such will and of the proof and examination of the witness by whom the same was proved and of the Order of Probate relating thereto has been made and is now of record in the records of the Clerk of such county pertaining to such Court.

In TESTIMONY WHEREOF, I have hereunto affixed the seal of such Court, and subscribed my name at Decatur, Indiana, this 23rd day of May, 1960.

(SEAL)

/s/ RICHARD D. LEWTON
Richard D. Lewton (Clerk)