

Will of Otto J. Bieberich

Otto J. Bieberich	Of Decatur, Indiana; makes his last will & testament	May 8, 1956
Adeline Bieberich	Wife; bequeathed balance of estate after exceptions	
Emiel Bieberich	Brother; bequeathed 1/3 of his estate if Otto survives wife	
Hilda Ehlerding	Sister; bequeathed 1/3 of his estate if Otto survives wife	
Ella Schueler	Sister; bequeathed 1/3 of his estate if Otto survives wife	
Emiel Bieberich	Brother; appointed executor of will of Otto Bieberich	
Mary Catherine Spangler	Witnessed signature of Otto J. Bieberich	
Rosemary Spangler	Witnessed signature of Otto J. Bieberich	
Otto J. Bieberich	Adds Codicil of last will	March 29, 1959
Edgar Ehlerding	Nephew; named new executor of will of Otto Bieberich	
Emiel Bieberich	Now deceased	
Rosemary C. Gase	Witnessed signature of Otto J. Bieberich's Codicil	
Rosemary Spangler	Witnessed signature of Otto J. Bieberich's Codicil	
Otto J. Bieberich	Died	Feb. 22, 1960
Rosemary Spangler	Affidavit of death	March 8, 1960
Richard J. Sullivan	Notary Public	
Rosemary Spangler	Proof of will by subscribing witness	March 8, 1960
Richard D. Lewton	Clerk	
Rosemary Spangler	Proof of Codicil by subscribing witness	March 8, 1960
Richard D. Lewton	Clerk	March 8, 1960
Richard D. Lewton	Clerk; Codicil has been admitted to probate	March 8, 1960
Richard D. Lewton	Clerk; will has been admitted to probate	March 9, 1960

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#5523

LAST WILL AND TESTAMENT

OF

OTTO J. BIEBERICH

I, Otto J. Bieberich, residing at Decatur, Indiana, R. R. #1, in Adams County, make and declare this to be my Last Will and Testament hereby enumerating and publishing the following Articles Testamentary:

ARTICLE I

I hereby revoke all Wills and Codicils thereto, heretofore executed by me.

ARTICLE II

It is my will that allmy just debts be paid from any funds available for that purpose but to use personal assets if possible.

ARTICLE III

I will, give and bequeath all personal assets of whatever description, after payment of charges heretofore set forth, to my wife, Adelinde Bieberich, subject to exceptions hereinafter set forth.

ARTICLE IV

WHEREAS, it has been agreed between myself and my wife, Adelinde Bieberich, that we will each make a separate Will bearing the same date, disposing of our property owned by us jointly, as husband and wife, and situated in the State of Indiana, in such a way as hereinafter set forth after the death of the survivor of us, and that after said Wills are so made, neither of us will revoke or destroy either of said Wills or Codicils without the consent or agreement of both.

NOW THEREFORE, in consideration of such agreement and in the execution thereof, I, Otto J. Bieberich, bequeath and devise all the property in the State of Indiana, which may be owned by myself and my wife, Adelinde Bieberich, and which may come to me as the survivor of either of us from any source and any place, and which I may own at the time of my death as follows.

/s/ OTTO J. BIEBERICH
Otto J. Bieberich, Testator

SECTION I. To Emiel Bieberich, my brother, an undivided 1/3 part thereof.

SECTION II. To Hilda Ehlerding, my sister, an undivided 1/3 part thereof.

SECTION III. To Ella Schueler, my sister, an undivided 1/3 part thereof.

SECTION IV. The above bequests set forth in Section I, II, and III, are subject to limitations hereinafter set forth.

ARTICLE V

Prior to any distribution as set forth in Sections I, II and III, of Article IV above, all liabilities, debts, and expenses of last illness and burial of both my wife and myself, shall first be paid and satisfied.

ARTICLE VI

The survivor of us shall have the disputed right and power to use any funds from any source to maintain, care for, and provide such a comfortable living for said survivor, comparable as when both were living; and said survivor shall have the undisputed power and right to sell any or all real estate owned by us or either of us to meet expenses for that purpose.

ARTICLE VII

It is further understood that the Will of each of us is to pass to the survivor all interest in property for the benefit of the survivor of us.

ARTICLE VIII

At the time of the death of the survivor of us, I direct my Executor hereinafter named, to sell, within a reasonable time, all real estate, if any, and that the proceeds therefrom, after payment of expenses selling the same, be cast into the general assets of my estate as hereinbefore provided.

ARTICLE IX

I direct my Executor hereinafter named, at the death of both of us to erect a monument at our graves comparable to our station in life if the same had not been done prior to the death of both of us.

/s/ OTTO J. BIEBERICH
Otto J. Bieberich

ARTICLE X

I nominate, constitute and appoint my brother, Emiel Bieberich, Executor of this my Last Will and Testament.

IN WITNESS WHEREOF, I hereunto subscribe my name to this my Last Will and Testament, consisting of three pages including this page, affixing my name to each of such pages for better identification this 8th day of May, 1956.

/s/ OTTO J. BIEBERICH
Otto J. Bieberich, Testator

The foregoing instrument being the Last Will and Testament of Otto J. Bieberich, consisting of three pages, including this page, was signed and sealed by the said Otto J. Bieberich, in our presence, and by him duly published and declared 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 8th day of May, 1956.

/s/ MARY CATHERINE SPANGLER
Witness

R. 2 Decatur, Indiana
Address

/s/ ROSEMARY SPANGLER
Witness

R. 2 Decatur, Indiana
Address

CODICIL TO
LAST WILL AND TESTAMENT
OF

OTTO J. BIEBERICH

I, Otto J. Bieberich, being of sound mind and disposing memory, hereby make and declare this to be a Codicil to my Last Will and Testament executed on May 8, 1956, to wit:

ITEM I.

Due to the fact that Emiel Bieberich, the Executor named in my Last Will and Testament is now deceased, I hereby nominate, constitute and appoint Edgar Ehlerding, my nephew, as Executor of my Last Will and Testament.

ITEM II.

I hereby render null and void Article X of my Last Will and Testament dated as heretofore pointed out and declare the same to be of no force or effect.

ITEM III.

In all other respects, except as set forth above, I reaffirm my Will as executed on the 8th day of May, 1956.

IN WITNESS WHEREOF, I have hereunto subscribed my name and set my seal at Decatur, Adams County, Indiana, to this, a Codicil of my Last Will and Testament on the 20th day of March, 1959.

/s/ OTTO J. BIEBERICH
Otto J. Bieberich

We the undersigned witnesses, do hereby state that the above and foregoing Codicil to the Last Will and Testament of Otto J. Bieberich, the Testator, was signed by him in the presence of each of us, and that at the time of signing said Codicil the said Testator did declare the said Codicil to be his Last Codicil to said Will, and each of us, at his request, and in his presence, and in the presence of each other, do sign the said Codicil as attesting witnesses thereto.

/s/ ROSEMARY C. GASE
Witness

Decatur, Indiana
Address

/s/ ROSEMARY SPANGLER
Witness

R. 2 Decatur, Indiana
Address

/s/ OTTO J. BIEBERICH
Otto J. Bieberich, Testator

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

Estate No. 5523

STATE OF INDIANA,)
COUNTY OF ADAMS)SS:

IN THE ADAMS CIRCUIT COURT

RE ESTATE OF

Docket _____ Page _____

OTTO J. BIEBERICH
Deceased

AFFIDAVIT OF DEATH

Rosemary Spangler, being duly sworn, on oath says that Otto J. Bieberich died on or about the 22nd day of February, 1960 and at the time of such death was a resident of such county and state.

/s/ ROSEMARY SPANGLER
Rosemary Spangler

Subscribed and sworn to before me this 8th day of March, 1960.

(SEAL)

/s/ RICHARD J. SULLIVAN
Richard J. Sullivan, Notary
Public

My Commission Expires:
January 13, 1963.

PROOF OF WILL (By Subscribing Witness)

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

1. Affiant is one of the subscribing witnesses to the foregoing written instrument dated May 8, 1956, purporting to be the LAST WILL AND TESTAMENT OF OTTO J. BIEBERICH (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 Mary Catherine 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/ ROSEMARY SPANGLER
Rosemary 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 8th day of March, 1960.

(SEAL)

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

STATE OF INDIANA, COUNTY OF ADAMS, SS:

CERTIFICATE OF PROBATE

I, Clerk of the Circuit Court of Adams County, Indiana, do hereby certify that: (1) the foregoing Will and Testament of Otto J. Bieberlich, deceased, has been duly admitted to probate before The Judge of the Adams Circuit Court; (2) the same was proved by the examination under oath of Rosemary Spangler, one of the subscribing witnesses thereto and by the examination under oath of Rosemary 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 113-118 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 9 day of March, 1960.

(SEAL)

/s/ RICHARD D. LEWTON
Richard D. Lewton, Clerk

COUNTY OF ADAMS, ss;

STATE OF INDIANA

RE ESTATE OF

OTTO J. BIBERLICH
Deceased

IN THE ADAMS CIRCUIT COURT

ESTATE NO. 5523 Page _____

PROOF OF CODICIL
BY SUBSCRIBING WITNESS

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

- (1) Affiant is one of the subscribing witnesses to the foregoing written instrument dated March 20, 1959, purporting to be the _____ Codicil to the Last Will and Testament of Otto J. Bieberlich, (hereinafter called the "decedent").
- (2) Such instrument was on the date thereof duly executed, published and declared by such decedent to be the _____ Codicil to the Last Will and Testament of such decedent.
- (3) At such time, such decedent was of 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 the _____ Codicil to his Last Will and Testament, and duly executed same, in the presence of the subscribing witnesses thereto, namely the affiant and Rosemary C. Gase.

(5) In the presence of such decedant and in the presence of each other, each of the subscribing witnesses attested and signed the same as witnesses thereto.

/s/ ROSEMARY SPANGLER
Rosemary 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 8th day of March, 1960.

(SEAL)

/s/ RICHARD D. LEWTON Clerk

CERTIFICATE OF PROBATE

I, Clerk of the Circuit Court of Adams County, Indiana, do hereby certify that: (1) the foregoing _____ Codicil to the Last Will and Testament of Otto J. Bieberich, deceased, has been duly admitted to probate by the Circuit Court; (2) the same was proved by the examination under oath of Rosemary Spangler, one of the subscribing witnesses thereto; (3) such Codicil to such Will has been recorded in Will Record N. page 115-116 in the Will Records of such County; and (4) a full and complete record of such Codicil to 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 WITNESS WHEREOF, I have hereunto affixed the seal of such court, and subscribed my name at Decatur, Indiana, this 8th day of March, 1960.

(SEAL)

/s/ RICHARD D. LEWTON Clerk