

Last will of Noah A. Bixler

Noah A. Bixler	Of Decatur, Indiana; makes his last will & testament	June 15, 1956
Hanna Elnora Bixler	Wife; inherits all property - real & personal	
Donald Paul Bixler	Son; share remainder of estate with brother	
Frederick A. Bixler	Son; share remainder of estate with brother	
Catherine Bixler	Wife of Frederick Bixler; will inherit if her husband is deceased	
Helen Bixler	Wife of Donald Bixler; will inherit if her husband is deceased	
2 unnamed children	Of Donald & Helen Bixler; shall inherit if their father is deceased	
Hanna Elnora Bixler	Appointed executrix of Noah Bixler's last will & testament	
Robert S. Anderson	Attorney to be retained	
Robert S. Anderson	Witness to signature of Noah Bixler	
Barbara J. Bowman	Witness to signature of Noah Bixler	
Noah A. Bixler	Died	Feb. 9, 1959
Robert S. Anderson	Affidavit of death	Feb. 24, 1959
Richard D. Lewton	Clerk	
Robert S. Anderson	Proof of will by subscribing witness	Feb. 24, 1959
Richard D. Lewton	Clerk	
Richard D. Lewton	Clerk; will has been admitted to probate	Feb. 24, 1959

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LAST WILL and TESTAMENT

OF

NOAH A. BIXLER

I, Noah A. Bixler, a resident of Decatur, Adams County, Indiana, and being of sound and disposing mind and memory, do make, publish and declare this to be my Last Will and Testament, hereby revoking any and all former wills by me made.

ITEM I

I direct my executor to pay all of my just debts, including all funeral and burial costs and expenses of my last illness, and the cost and expense of administering and settling my estate.

ITEM II

I direct my executor to pay all estate, inheritance and succession or other taxes, whether State or Federal which may be assessed as the result of my death, without regard to whether such property passes under this will, or whether such taxes be payable by my estate or by the recipient of any such property. All such taxes shall be paid out of my general estate as part of the expenses of the administration thereof, and shall not be charged against the recipient of such property or any beneficiary or beneficiaries under this will.

ITEM III

I hereby give, bequeath, and devise to my wife, Hanna Elnora Bixler, all of my property, whether real, personal, or mixed, which I own solely for her use and benefit for and during the period of her natural life; but in no event shall this item be interpreted or construed as devising real estate to my said wife, which is now held, or may be held by my said wife and I, as tenants by the entireties; it being my intent for such real estate to go to my said wife by operation of law and not under this will.

/s/ NOAH A. BIXLER
Noah A. Bixler

ITEM IV

I hereby give, devise and bequeath the remainder in fee simple absolute of all my estate, real, personal and mixed, after the life estate herein given to my wife, to my two sons, Donald Paul Bixler, and Frederick A. Bixler, share and share alike, if both of my said sons are living at my death. However, if both of my said sons are not living at my death then the applicable alternatives set out in Items V, VI, or VII, of this will shall apply.

ITEM V

In the event that my son, Frederick A. Bixler, should predecease me, without living issue, and my other son, Donald Paul Bixler, is living at my death, then in that event I hereby give, bequeath and devise the remainder in fee simple absolute of all my estate, real, personal and mixed, after the life estate herein given to my wife, to the following persons, and in the following proportions:

- a. One-sixth (1/6) to Catherine Bixler, widow of Frederick A. Bixler.
- b. Five-sixths (5/6) to my son, Donald Paul Bixler.

ITEM VI

In the event that my son, Donald Paul Bixler, should predecease me, and my other son, Frederick A. Bixler, is living at my death, I hereby give, bequeath and devise the remainder in fee simple absolute of all my estate, real, personal and mixed, after the life estate herein given to my wife, to the following persons, and in the following proportions:

- a. One-sixth (1/6) to Helen Bixler, widow of Donald Paul Bixler.
- b. Two-sixths (2/6) to the children of Donald Paul Bixler, living at my death, share and share alike.
- c. Three-sixths (3/6) to my son, Frederick A. Bixler.

/s/ NOAH A. BIXLER
Noah A. Bixler

ITEM VII

In the event that my son, Frederick A. Bixler, should predecease me without living issue, and further in the event that my other son, Donald Paul Bixler, should also predecease me, then in that event I hereby give, bequeath and devise the remainder in fee simple absolute of all my estate, whether real, personal or mixed, after the life estate herein given to my wife, to the following persons, and in the following proportions:

- a. One-sixth (1/6) to Helen Bixler, widow of Donald Paul Bixler.
- b. One-sixth (1/6) to Catherine Bixler, widow of Frederick A. Bixler.
- c. Four-sixths (4/6) to the children of Donald Paul Bixler, living at my death, share and share alike.

ITEM VIII

I hereby constitute and appoint my said wife, Hanna Elnora Bixler, as Executrix of this my Last Will and Testament. In the event that my said wife is unable or unwilling to

serve as Executrix of my estate, then in that event I do hereby appoint my two sons, Donald Paul Bixler, now domiciled in Anderson, Indiana, and Frederick A. Bixler, now domiciled in Fort Wayne, Indiana, to serve as co-executors of this Last Will and Testament. Said Executrix or co-executors shall serve without bond.

ITEM IX

I request that in the event his services are available to the Executrix or co-executors that Robert S. Anderson be retained as the attorney in the administration of my estate because of his familiarity with my affairs.

Witness my hand and seal this 15th day of June, 1956 at the City of Decatur, Indiana.

/s/ NOAH A. BIXLER (SEAL)
Noah A. Bixler

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The foregoing instrument consisting of four (4) typewritten pages (including this certificate) and each bearing the signature of Noah A. Bixler, was signed, sealed, acknowledged, published and declared by the said Noah A. Bixler, as and for his Last Will and Testament, in our presence, who, at his request, in his presence and the presence of each other, have subscribed our names as witnesses thereto this 15th day of June, 1956, at the City of Decatur, Indiana.

NAME	ADDRESS
/s/ <u>ROBERT S. ANDERSON</u>	<u>239 Stratton Way, Decatur, Indiana</u>
/s/ <u>BARBARA J. BOWMAN</u> Barbara J. Bowman	<u>422 South 13th Street, Decatur, Indiana</u>

/s/ NOAH A. BIXLER
Noah A. Bixler

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

STATE OF INDIANA)
COUNTY OF ADAMS) SS:
RE ESTATE OF)
NOAH A. BIXLER)
Deceased)

Estate No. 5431
IN THE ADAMS CIRCUIT COURT
Docket ___ Page ___

AFFIDAVIT OF DEATH

Robert S. Anderson, being duly sworn, on oath says that Noah A. Bixler died on or about the 9th day of February, 1959 and at the time of such death was a resident of such county and state.

/s/ ROBERT S. ANDERSON
Robert S. Anderson

Subscribed and sworn to before me this 24th day of February, 1959.

(SEAL)

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

PROOF OF WILL (By Subscribing Witness)

Robert S. Anderson, 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 June 15, 1956, purporting to be the LAST WILL AND TESTAMENT OF Noah A. Bixler (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 Barbara J. Bowman.
- 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/ ROBERT S. ANDERSON
Robert S. Anderson

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 24th day of February, 1959.

(SEAL)

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

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 Noah A. Bixler, deceased, has been duly admitted to probate before Honorable Myles F. Parrish, Judge of Adams Circuit Court, (2) the same was proved by the examination under oath of Robert S. Anderson one of the subscribing witnesses thereto; (3) such will has been recorded in Will Record N page 4-7 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 24th day of February, 1959.

(SEAL)

/s/ RICHARD D. LEWTON
Richard D. Lewton, Clerk
Adams Circuit Court