

## Will of Benjamin Breiner

Name in Record	Reason for Being in Record	Date of Record
Benjamin Breiner	Of Preble Township; makes his last will & testament	Oct. 25, 1898
Sarah Ehle	Daughter; inherits \$25.00	
St. Paul Luth. Church in Preble	Inherits \$100.00 for 'home missions'	
Mary A. Breiner	Wife; to inherit remaining estate	
Levi Linn	Appointed executor of will of Benjamin Breiner	
James Merryman	To be consulted when executing will	
James Merryman	Witnessed Benjamin Breiner making his last will	
Jesse C. Sutton	Witnessed Benjamin Breiner making his last will	
Benjamin Breiner	Adds codicil to will dated Oct. 25, 1898	Aug. 5, 1902
St. Paul Luth. Church in Preble	Not to receive the \$100.00 inheritance	
James Merryman	Witnessed Benjamin Breiner adding codicil to will	
J. C. Sutton	Witnessed Benjamin Breiner adding codicil to will	
Benjamin Breiner	Died	April 21, 1905
James Merryman	Subscribing witness; oath of death & validity of will	April 25, 1905
David Gerber	Clerk	
Paul Baumgartner	Deputy	
David Gerber	Clerk; will has been admitted to probate	April 25, 1905
Paul Baumgartner	Deputy	
Mary A. Breiner	Wife; election to accept provisions made to her in will	June 26, 1905
David Gerber	Clerk; acknowledged Mary Breiner's election	

## Last Will &amp; Testament of Benjamin Breiner

No. 713.

In the name of the Benevolent Father, of All.  
I the undersigned Benjamin Breiner a  
resident of Preble Township in Adams County  
in the state of Indiana, being of sound  
mind and disposing memory do hereby make  
and publish the following Last Will and Testament  
hereby revoking any and all wills by me heretofore  
made; that is to say:—

## Item First.

It is my will and I hereby direct that all my  
just debts and funeral expenses be paid out  
any part of my estate left by me at the  
time of my death.

## Item Second.

I hereby will and bequeath, to my daughter  
Sarah Eble the sum of Twenty five dollars  
and no more

## Item Third.

It is my further will and I hereby will and  
bequeath to the Board of Trustees of St Paul  
in Preble Township, in Adams County in  
the state of Indiana, to be used for the  
benefit of "Home Missions" the sum of One  
Hundred Dollars.

## Item Fourth:—

It is further my will and I do hereby will,  
bequeath and devise all the residue of my estate,  
both real and personal of any and every  
kind whatever including all money, prom-  
issory notes real estate and all property of  
every kind whatever not heretofore devised  
or disposed of, to my beloved wife Mary A  
Breiner the same to be hers in fee simple  
absolutely, subject only to the payment of  
my just debts and funeral expenses, which  
she shall pay—

## Last Will &amp; Testament of Benjamin Breiner

## Item Fifth

I hereby nominate and appoint Live Limb as  
Executor of this my last will and Testament and I  
hereby request that my Executors shall consult  
James V. Merryman in the execution of this  
will and the settlement of my estate. In testi-  
mony whereof I have hereto set my hand and  
affixed hereto my seal this Oct. 25th 1898.

Benjamin Breiner (seal)

Signed sealed and acknowledged by said  
testator Benjamin Breiner as his Last Will  
and Testament in our presence, and by each of  
us signed in his presence at his request and  
in the presence of each other as subscribing  
witnesses this Oct 25th 1898.

James V. Merryman  
Jesse C. Sutton.

## Codicil to foregoing Will.

Decatur Ind. Aug 5<sup>th</sup> 1902

It is my will and I do now hereby revoke and  
declare null and void items three of my foregoing  
Will and the One hundred Dollars given to  
the Board of Trustees of St Paul Congregation of  
The German Lutheran Church in Preble Township  
in Adams County in the state of Indiana in  
said item of three. It is now my Will and I  
give, devise, will and bequeath said One hun-  
dred Dollars to my wife Mary A Breiner.  
Witness my hand and seal this Aug 5<sup>th</sup> 1902.

Benjamin Breiner (seal)

Witnesses to Codicil

James V. Merryman  
J. C. Sutton

State of Indiana, Adams County, Ind.

Be It known, That James V. Merryman,  
one of the subscribing witnesses of the last  
Will and Testament and of the codicil thereto,  
of Benjamin Breiner late of Adams County,  
deceased, personally appeared before the under-

For Revision of witness to take under this Will, see page 327.

## Last Will &amp; Testament of Benjamin Breiner.

signed, clerk of the Adams Circuit Court, of Adams County, being of lawful age, and being by me duly sworn, deposed as follows: That Benjamin Breiner, deceased, on the 21st day of April 1905; that he left the foregoing as his last Will and Testament; and his codicil thereto attached; that the undersigned was present and saw the said testator sign his name to the same, and he, also, published and declared that the same was his last Will and Testament and his codicil thereto; that he was of sound mind and memory, fully competent to devise his property, and was under no restraint or coercion whatever; That James F. Merryman and Jesse C. Sutton each signed their names to the same as subscribing witnesses, in his presence, and at his request, and in the presence of each other.

James F. Merryman.

Subscribed and sworn to before me, this 25<sup>th</sup> day of April 1905.

David Gerber Clerk.

By Paul Baumgartner Deputy.

State of Indiana, Adams County, I.D.:

I, David Gerber, Clerk of the Adams Circuit Court, of Adams County, Indiana, certify that the above and foregoing Will and codicil thereto of Benjamin Breiner late of Adams County, deceased, has been duly admitted to Probate; that its due execution was this day proven by James F. Merryman whose proof, together with said Will and codicil thereto have been duly recorded on pages 322-323-324 Record "D" of Wills, in this office. Witness my hand, and seal of said Court, this 25<sup>th</sup> day of April, 1905.

Seal

David Gerber, Clerk

By Paul Baumgartner Deputy.

Election of Mary A. Breiner to take under the Will see will  
of Benjamin Breiner Page 322-324-

State of Indiana Adams County, Ind. -

In the matter of the last will and testament  
of Benjamin Breiner, deceased.  
Election of widow and devisee, Mary A. Breiner  
to take under the will.

I, the undersigned, Mary A. Breiner, widow  
of said decedent and devisee under the  
last will and testament of Benjamin Breiner  
deceased, do now hereby elect and choose  
to take under said last will and testament  
of said decedent, and I elect to take  
all the property, of any and every kind  
whenever, so titled, devised and be-  
queathed to me by said decedent under  
and by the terms of said will, and in  
all things agreeable and according to  
the provisions of said will.

Witness my hand and seal this 26<sup>th</sup> day of  
June 1905  
Mary A. Breiner (seal)

State of Indiana, Adams County, Ind.:

Before me the undersigned, Clerk of  
Adams Circuit Court in and for said Coun-  
ty and State, this 26<sup>th</sup> day of June, 1905.  
Personally came Mary A. Breiner, widow  
of Benjamin Breiner, deceased, to  
me personally known and acknowl-  
edged the execution of the foregoing  
election to be her free and voluntary  
act and deed.

Witness my hand and official seal.  
David Yerkes  
Clerk of Adams Cir. Court.

Seal