

Estate of Ernest W. Busche

Ernest W. Busche	Of Adams County, Indiana; makes his last will & testament	April 26, 1956
Louise M. Busche	Dau; bequeathed personal property & household items	
Eugene M. Busche	Grandson; bequeathed \$1,000.00	
Rogene M. Busche-Borden	Granddaughter; bequeathed \$1,000.00	
Roger M. Busche	Grandson; bequeathed \$1,000.00	
Louis M. Busche	Son; bequeathed farm as co-trustee and co-executor of last will	
Louise M. Busche	Dau; bequeathed farm as co-trustee and co-executor of last will	
Fred B. Shoaff	Witness to signature of Ernest W. Busche	
Alma C. Gerwig	Witness to signature of Ernest W. Busche	
Ernest W. Busche	Died	Feb. 10, 1959
Louis M. Busche	Affidavit of death	Feb. 17, 1959
John L. DeVoss	Notary Public	
Alma C. Gerwig	Proof of will by subscribing witness	Feb. 18, 1959
Richard D. Lewton	Clerk	

LAST WILL AND TESTAMENT OF

ERNEST W. BUSCHE

I, ERNEST W. BUSCHE, of Adams County, Indiana, being of sound and disposing mind, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking any and all wills heretofore by me made.

ITEM I

I direct my Executors hereinafter named to pay all just debts and charges against my estate, including any and all inheritance, succession and/or estate taxes.

ITEM II

I give and bequeath to my daughter, LOUISE M. BUSCHE, all of my personal effects, including clothing, jewelry, articles of personal use and adornment, and all household furniture, furnishings and equipment in my residence, of which I may die the owner.

ITEM III

I give and bequeath to each of my three grandchildren, namely, EUGENE M. BUSCHE, ROSENE M. BUSCHE BORDEN, and ROGER M. BUSCHE, the sum of One Thousand Dollars (\$1,000.00)

ITEM IV

I give and devise my farm located in Washington Township, Adams County, Indiana, and more specifically described as follows:

The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 34 and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 34, containing 120 acres in the aggregate; also

The SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 35 and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 35.

to my son, LOUIS M. BUSCHE, and my daughter, LOUISE M. BUSCHE, as Co-Trustees, to be held by them in trust for the following purposes and subject to the following provisions:

1. My Trustees shall take possession of and hold said property and shall collect all income, rents and profits accruing thereon, and after payment of taxes and other public charges and the necessary expense of managing and maintaining such property, they shall pay the net income therefrom as follows:

1/2 to my said son, LOUIS M. BUSCHE,
so long as he shall live;

1/2 to my said daughter, LOUISE M. BUSCHE,
so long as she shall live.

This trust shall continue in effect until the death of the survivor of my said son and daughter, and shall terminate upon the death of such survivor.

In the event of the death of my said son during the continuance of this trust, the income which would otherwise have been payable to him if he had lived, shall be paid in equal parts to my said three grandchildren.

In the event of the death of my said daughter during the continuance of this trust, the income which would otherwise have been payable to her, shall be paid in equal parts to my said three grandchildren.

If any of my said grandchildren who are entitled to income hereunder shall die prior to the termination of this trust, leaving issue, the income otherwise payable to such deceased grandchild shall be paid to such issue.

2. Upon the death of the survivor of my said son and daughter, I give, devise and bequeath the principal of such

trust estate in equal shares to each of my said grandchildren as shall then be living; or in the event any of my said grandchildren shall have died prior thereto leaving issue, then such issue shall take in place of the deceased parent.

3. It is my hope that my Trustees may continue to retain the said farm during the continuance of this trust, but such retention is not made obligatory upon them, and if, in their opinion, by reason of changed conditions, the sale of such farm is advisable, they shall have full power to make such sale, and accordingly I hereby confer upon them full power and authority to manage and control such property and in their discretion to improve, sell, lease, or exchange the whole or any part thereof at such price or prices and upon such terms and conditions as may deem advisable to them, and without in any manner restricting the generality of the above powers conferred upon my Trustees, I specifically authorize them to make repairs on, build or rebuild upon, and improve any real estate forming a part of said trust estate, and for the purpose in their discretion to borrow money and as security for the repayment thereof, to mortgage or otherwise encumber any real estate or personal property forming a part of such trust estate.

My Trustees are authorized to invest and reinvest any trust funds held by them hereunder in such investments as are at the time of such investment permitted by the laws of the State of Indiana for the investment of trust funds by trustees.

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4. It is my will that no beneficiary under the terms of this trust shall have any power to give, sell, pledge, or otherwise dispose of, encumber or anticipate the income or any share in the principal thereof and neither the income from such trust estate nor the principal fund shall be liable for such beneficiary's debts and shall not be subject to the right on the part of any creditor to reach the same under any writ or proceeding at law or in equity, it being my will that no right of disposition of such property or income shall vest in any beneficiary until the same shall have been actually transferred or paid over to such beneficiary.

5. My Trustees shall not be subject to the order or direction of any court, and shall not be required to file any bond or inventory or make any accounting to any court, or secure the order or approval of any court in connection with the carrying out of the terms of this trust and/or the handling of the trust property; and such Trustees are hereby expressly relieved from any duty or obligation imposed by any statute of the State of Indiana upon trustees in the performance of trust duties insofar as may be permitted by law.

ITEM V

I direct that all estate, inheritance and succession taxes assessed against my estate shall be paid from my residuary estate and no part thereof shall be charged against or be payable from any specific bequest or devise left by me under the terms of this will.

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ITEM IV

My Executors shall pay over to the devisees of any real estate devised by this will, the net income received therefrom as the same is received by my Executors, and I further direct that the net income received from any other assets of my estate shall be paid over to the beneficiaries to whom such assets have been bequeathed or devised at as early a date after the receipt thereof as may be permitted by law; it being my intention that no such income shall be deemed a part of the corpus of my estate or shall be applied to the payment of expenses or claims against my estate unless the other assets shall be in-

sufficient to pay such expenses or claims.

ITEM VII

All of the balance and residue of my estate (remaining after the payment of debts and charges against my estate and of the devises and bequests mentioned in the preceding items of this will) of every kind and character and wheresoever located, I give, devise and bequeath to my said son, LOUIS M. BUSCHE, and my said daughter, LOUISE M. BUSCHE, in equal shares, absolutely and in fee simple; or in the event of the death of my said son or daughter prior to my death, then the share which would otherwise have gone to such deceased son or daughter shall go to my said three grandchildren in equal parts, children of any deceased grandchild to take in place of their deceased parent.

VIII.

I hereby appoint my said son, LOUIS M. BUSCHE, and my said daughter, LOUISE M. BUSCHE, as Co-Executors of this will; or in the event of the death of either of them prior

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to or after this will goes into effect, the survivor shall act as sole Executor.

IN WITNESS WHEREOF, I have hereunto subscribed my name at the City of Fort Wayne, Indiana, this 26th day of April, 1956.

/s/ ERNEST W. BUSCHE

Signed, sealed, published and declared by the above named testator, ERNEST W. BUSCHE, as his Last Will and Testament, in our presence, and by us, at his request, in his presence, and in the presence of each other, signed as attesting witnesses thereto, all on this 26th day of April, 1956.

/s/ FRED B. SHOAFF

/s/ ALMA C. GERWIG

Estate No. _____

IN THE ADAMS CIRCUIT COURT

STATE OF INDIANA,)
)SS:
COUNTY OF ADAMS)

RE ESTATE OF)
)
Ernest W. Busche)
Deceased)

Docket ___ Page ___

AFFIDAVIT OF DEATH

Louis M. Busche, being duly sworn, on oath says that Ernest W. Busche died on or about the 10th day of February, 1959 and at the time of such death was a resident of such county and state.

/s/ LOUIS M. BUSCHE

Subscribed and sworn to before me this 17th day of February, 1959.

/s/ JOHN L. DEVOSS
Notary Public

My Comm. Exp: May 23, 1962.
(SEAL)

PROOF OF WILL (By Subscribing Witness)

Alma C. Gerwig, 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 April 26, 1956, purporting to be the LAST WILL AND TESTAMENT OF Ernest W. Busche (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/her property.

4. Such decedent signified that such instrument was his/her Last Will and Testament, and duly executed same, in the presence of the subscribing witnesses thereto, namely, the affiant and Fred B. Shoaff.

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/ ALMA C. GERWIG

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 18th day of February, 1959.

(SEAL)

/s/ RICHARD D. LEWTON, Clerk