

Will of David Studabaker

Name in Record	Reason for Being in Record	Date of Record
David Studabaker	Of Decatur, Indiana; makes his last will & testament	Sept. 5, 1903
David E. Studabaker	Son; inherits gold-headed cane	
Hattie Studabaker	Daughter; inherits gold watch & chain in remembrance of their mother	
John Niblick	Son-in-law; appointed co-trustee of trust estate	
William J. Vesey	Son-in-law; appointed co-trustee of trust estate	
David E. Studabaker	Son; inherits 740 acres of real estate managed by co-trustees	
Adams County Bank	Sold a portion of this 740 acres to David Studabaker	
Isaac & Ettie Zimmerman	(Hus & wife) Sold a portion of this 740 acres to David Studabaker	
George Zimmerman	Sold a portion of this 740 acres to David Studabaker	
David E. Studabaker	Son; inherits a number of in-lots & other real estate held by trustees	
Jennie Studabaker	Wife; inherits 1/6 of life insurance & \$500.00 personal property	
Jennie Studabaker	Wife; also has antenuptial agreement	
Mary J. Niblick	Daughter; to share remaining estate	
Lizzie E. Morrison	Daughter; to share remaining estate	
Hattie Studabaker	Daughter; to share remaining estate	
Margaret S. Vesey	Daughter; to share remaining estate	
Decatur Cemetery Association	Receives \$200.00 for upkeep of his burial lots & monuments	
William J. Vesey	Appointed guard. of children (if any) of David Studabaker, if he is deceased	
David B. Studabaker	Grandson; son of David E. Studabaker; to be provided a college education	
John Niblick	Appointed co-executor of will of David Studabaker	
William J. Vesey	Appointed co-executor of will of David Studabaker	
J. T. Merryman	Witnessed David Studabaker making his last will	
R. K. Allison	Witnessed David Studabaker making his last will	
French Quinn	Witnessed David Studabaker making his last will	
David Studabaker	Adds codicil to will of Sept. 5, 1903	April 28, 1904
David E. Studabaker	Son; to inherit 110 shares of stock	
David Studabaker	Revised rules of trusted land towards son, David E. Studabaker	
James T. Merryman	Witnessed David Studabaker adding codicil to will	

David Studabaker	Died	May 3, 1904
James T. Merryman	Subscribing witness; oath of death & validity of will & codicil	May 7, 1904
David Gerber	Clerk	
Paul Baumgartner	Deputy	
David Gerber	Clerk; will & codicil have been admitted to probate	May 7, 1904
Paul Baumgartner	Deputy	

Last Will and Testament of David Studabaker

No 7th David Studabaker of DeWitt Indiana, being in full health and sound mind but knowing the uncertainty of human life and the certainty of death, do make and publish this my last Will and Testament hereby revoking and making void all former Wills by me made.

Item 1st It is my Will that all my just debts and funeral expenses be promptly paid out of my personal estate

Item 2nd I Will and bequeath to my son David E. Studabaker my Gold-headed Cane and to my daughter Satter Studabaker my gold Watch and Chain, the same having been given to me by their dear mother and I request that they keep the same in remembrance of their father and mother.

Item 3rd For the purpose of creating the Trust hereinafter stated, I hereby nominate, constitute and appoint my son-in-law John N. Blich, and William J. Casey Trustees, to receive, hold, and manage the Trust estate herein created, And it is my Will, and I hereby bequeath to my said Trustees John N. Blich and William J. Casey, to be held by them in Trust as herein stated for the benefit and use of my son David E. Studabaker and his children and for the other purposes herein stated and in the manner herein stated. All the following described Real estate situate in the County of Adams and State of Indiana to wit:— (Commencing at the corner of section One (1) in Township Twenty-seven (27) North Range fourteen (14) East. Thence to run West on the center line of said section One, to the center of the Old Piqua and St Wayne road so called, Thence a northwest Course along the center of said road to where the same crosses the north line of section two (2) in said Township and Range aforesaid, Thence west along the north line of said section two (2) forty rods to a stone in the center of the road, thence south along the line between said Studabaker and George Zimmerman seventy-nine (79) rods, and twenty links to a sand stone; Thence east on the line between the lands of said

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George Zimmerman and myself sixty-nine (69) rods and twenty (20) links to the west line of said section One (1). Thence south on the west line of said section One (1) One hundred and twenty-eight (128) rods and five (5) links to a stone. Thence a south-west Course twenty-two (22) rods and fifteen (15) links to a stone on the edge of the Right of way of the Chicago and East Indiana Railroad, the same being about six feet west of the gate of the same Crossing of said Railroad; Thence to run a south-easterly Course along the line of the Right of Way of said Railroad to where the said Railroad crosses the south line of the North-west quarter of the south-west quarter of said section One (1) Township and Range aforesaid. Thence to run west on said North line across the Right of way of said railroad to the southwest side of said Right of way of said Railroad; Thence to run west along the south side of said Right of way to north bank of the St Mary's river the same being near the west side of said section two (2) where said road crosses said river: Thence to follow up the meanderings of said river on the north side thereof to a point where the east line of section twelve (12) in said Township and Range aforesaid crosses said river, Thence north on the east line of said section twelve (12) the same being the line between Washington and St Mary's townships, to the northeast corner of said section twelve (12) the same being located in the Old Piqua and St Wayne road so called: Thence a northwest course along the center of the Old Piqua and St Wayne road to where it crosses the east line of the west half of the west half of the west half of the southwest quarter of said section One (1) Thence north on said east line to the line running east and west through the center of said section One; Thence running west on said center line of said section One (1) about twenty (20) rods to the place of beginning;

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The same being the center of said section (one (1)). The said lands being the same that I bought in part from Isaac Zimmerman and Estle Zimmerman his wife and in part from George Zimmerman and containing in all seven hundred and forty (740) acres more or less and generally known as the Robison farm. And I bequeath in the manner and for like purposes to said Trustees, Twenty-two (22) feet off of the south side of Lot No. 51, in the City of Decatur, in Adams County, Indiana, the same being 22 feet wide and 135 feet long, with the building thereon known as the Post Office building. And I bequeath in like manner and for like purposes to said Trustees Lot number forty six (46) and two (2) feet off of the south side of Lot No. forty seven (47) in said City of Decatur, Indiana, as situated on the Original plat of the town, now (City) of Decatur, also Lot number one hundred fifty six (156) in Deeph Graber town addition to said town, now City, of Decatur. Also forty (40) feet off the south side of Lot number three hundred and thirty six (336) in Rugg and Reynolds' southern addition to said town, now City, of Decatur, together with all the appurtenances and privileges belonging to each of said several tracts of real estate but especially the right of way through the lands of said George Zimmerman to a part of said lands; to have and to hold the same together with all improvements that I may put upon the same before I die, The said Robison farm is subject to the Right of Way of said Chicago & Erie railroad through the same, It is my Will that said Trustees shall hold the above described real estate to them bequeathed in Trust for the benefit of my said son David E. Studabaker and his child or children for and during the natural life of my said son. They shall rent and lease the same as they shall think best; They shall collect the rents, profits and income therefrom and

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keep the same in good repair, and from the income therefrom they shall pay the taxes, insurance, repairs and expenses of the Trust and shall pay to my said son David E. Studabaker every year the income from all the said real estate, for and during his natural life, which payment shall be made quarterly or oftener if convenient; And I further declare that it is my intention that said real estate nor any part thereof shall not be sold nor encumbered during the natural life of my said son, but that the same shall remain a constant continuing support during his life; And it is my further Will and I declare that my said son shall have no power to sell mortgage or encumber in any manner whatever his income from said real estate, but that the same shall remain a constant continuing income for his support and of his minor children and his wife while they live together, all of which shall be so held, paid and applied by my said Trustees as aforesaid, And I further Will and direct that at the death of my said son David E. Studabaker all of said real estate shall go in fee simple to his child or children if there be any living at his death, there and that case all of said real estate shall go in fee simple to my four daughters herein after named share and share alike, And if any of them be dead the survivors shall take the estate but if any of them be dead and have children or descendants they shall take the share my daughter would have taken if living, It is further my Will and I declare that if my said son dies after I do and leaves a child or children alive at his death then and in that case the said Trustees shall hold all said real estate and continue said Trust until my said son's youngest child is 25 years of age and in the meantime shall continue the Trust and pay the in-

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come to my said son's child or children the time my said son dies until such time as child is twenty five years old, And I do further my Will and I declare that if my said son fails to support his wife and children a reasonable way according to the amount of his income, then and in that case said Trustees shall have full power and authority to divide said income and pay a part thereof to my said son or pay it for his support by other child or children as husband and wife or they live together as husband and wife and a part for the support and education of his child or children in such manner as they may think best, it being my intention that my said son shall have a support from the income of said real estate and also that his said wife shall be supported therefrom during the time they live together as husband and wife and that the child or children of my said son shall be supported and educated therefrom during their minority and said Trustees are directed to so manage said income as to best carry out this intention.

Item 4th It is further my Will and I declare that if either of said Trustees fail to qualify or fail to act after qualifying or shall resign then and in that case the other Trustee shall act and perform all the duties herein stated and care over my said Trust but if from any cause whatsoever both said Trustees shall fail to qualify or fail to execute said Trust after qualifying or then and in that case it is my Will that the Court having probate jurisdiction in said Adams County Indiana, shall appoint a competent and suitable person of said County Trustee to execute said Trust, who shall have all the powers and perform all the duties imposed upon such original Trustees.

Item 5th I Will and bequeath to my wife Jennie Studabaker one sixth part of my Life Insurance of

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\$5000⁰⁰ in the American Mutual Life Insurance Company of Hartford Connecticut, I also give and bequeath to her Five Hundred Dollars worth of personal property to be selected by her at the appointment, which said two items of bequest are in addition to the amount provided for her in our antenuptial contract. And the residue of my said Life Insurance shall be paid to my five children share and share alike direct and not to my Executors.

Item 6th I further will and bequeath to my said son David C. Studabaker, my and everything he may owe me at the time of my death and my Executors are directed to deliver up to him any evidence of indebtedness that may remain.

Item 7th It is further my Will and I hereby bequeath to my said four Daughters Mary, Lizzie, Maggie E. Morrison, Lattie Studabaker and Margaret S. Vesey all the residue of my property of every kind, in fee simple share and share alike, and if any of them be dead at my death leaving no child or children or their descendants then my remaining daughters shall take the estate share and share alike but if any of my daughters be dead leaving children or descendants alive, such child children or descendants shall take the estate my said daughter would have taken if living.

Item 8th It is hereby further my Will and I bequeath to the Decatur Cemetery Association of Decatur Indiana the sum of Two Hundred Dollars in Trust to be held and loaned by said Association, on first mortgage real estate security forever and shall devote the income derived therefrom to keeping in repair, lawning and beautifying my burial lots and monument in said Decatur Cemetery Association Grounds at Decatur Indiana, If said Corporation accepts said trust and cause to be entered on the Order


Book of the Adams Circuit Court an order under the direction of the judges thereof, an account of this bequest then and in that case my Executors shall pay said two hundred dollars to said Association, otherwise they shall not pay it.

Item 9th It is further my will and I declare that in case my son David E. Studabaker shall die before I die, then and in that case the Trust estate herein created and provided for shall not be created and said trustee shall not be appointed and said clause in this will creating said Trust estate shall be void and have no effect whatever. And I further will and declare that if at my death my said son David E. Studabaker be dead, and if he leave a child or children who are living at my death then and in that case said child or children shall take an equal share with my daughters and in case they so take I hereby nominate and appoint William Vasey Trustee to hold said child or children's share in Trust until the youngest of said child or children of my said son is twenty five years old. And I also nominate and appoint said William Vasey as the Guardian of said child or children until they are of lawful age. He shall manage said Trust for the benefit of said child or children give them support and education and specially do I request that he give my Grandson David D. Studabaker a chance to acquire a college Education if he so desire when he becomes old enough to decide.

Item 10th I hereby nominate, constitute and appoint John H. Blitch and William J. Vasey my sons-in-law Executors of this my last Will and Testament or as many as may act to sell and convey by deed in fee simple and without any Order of Court and without notice and for

such prices and terms of payment as my Executors may see proper all my real estate in Lubbock County in the State of Texas, and all my real estate in Kidder County in the State of North Dakota, that I may own at the time of my death, and divide the proceeds of any estate sale or sales according to the terms of this Will. And it is further my will that my Executors shall have full power and authority to rent my real estate and collect the rents therefrom, until partition be made among my Legatees also to keep some in reserve and pay the taxes therefrom from the income therefrom this authority does not extend to the Trust if one is created as the said trustee shall at once take charge of that hereinbefore provided. It is further my will that my Executors shall pay to my wife Jennie Studabaker, if she survive me without delay the money going to her by the terms of the ante nuptial contract made between us before our marriage. And I further will and provide, that my said Executors shall have full power and authority to sell any of my Bonds or Bank stock that I may own at my death sufficient to pay my debts and the ante nuptial provision for my wife as soon as there is sufficient funds on hand to pay my debts and ante nuptial obligations the residue of my stocks and Bonds shall be divided and passed by my Executors to my Legatees according to the shares hereinbefore given so that each Legatee shall receive an equal share of the best and of that which is not so good as near as they can be divided.

X On Witness Whereof the said David Studabaker has hereunto set his hand and seal this 5th day of September A.D. 1903.

David Studabaker 
signed sealed and acknowledged by the above named Testator David Studabaker in

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the presence of J. T. Merryman, R. K. Allison,
and French Quinn, who witnessed the same,
at the request of said David Studabaker in his
presence and in the presence of each other
on the day and date last above written
J. T. Merryman
R. K. Allison
French Quinn

Codicil

Deceasee David Studabaker being of sound mind and disposing memory do hereby make the following Codicil to my Last Will and Testament made and executed by me on the 5th day of September 1903.

It is now my Will and I give to my son David Studabaker One Hundred and ten (110) shares of the stock of the Bankers National Bank of Chicago Illinois. I further provide that if my son David remain a temperate man from this on the said John McDiack and W. J. Vasey Trustees shall have authority to permit my son to have the possession of the devise to them in Trust by my said Will, to the extent and for such length of time as to said Trustees may seem for the best interests of my said son, if he so have possession thereof at any time shall pay all taxes on such property promptly as the same becomes due and payable. The Bank Stock hereby devised is to be the absolute property of my son.

David Studabaker.

Signed and acknowledged by the above named David Studabaker as a codicil to his Last Will and Testament in our presence and signed by each of us in his presence at his request and in the presence of each other this April 28th 1904

James T. Merryman
O. B. Thomas

Probate of Will of David Studabaker

State of Indiana, Adams County, ss.
Be it known, that James T. Merryman, one of the subscribing witnesses of the last Will and Testament of David Studabaker late of Adams County, deceased, personally appeared before the undersigned, Clerk of the Adams Circuit Court of Adams County, being of lawful age and being by me duly sworn, deposed as follows: That David Studabaker, deceased, on the 5th day of May, 1904, that he left the foregoing as his last will and testament, and the 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 codicil; that he was of sound mind and memory, fully competent to devise his property and was under no restraint or coercion whatever. That James T. Merryman, R. K. Allison and French Quinn, each signed their names to the same as subscribing witnesses in his presence and at his request, and in the presence of each other and said affiant, and one O. B. Thomas signed said Codicil as witnesses, that James T. Merryman subscribed and sworn to before me this 7th day of May 1904.

David Gerber, Clerk.
By Paul Baumgartner, Deputy.

State of Indiana, Adams County, ss.
I, David Gerber, Clerk of the Adams Circuit Court of Adams County, Indiana, certify that the above and foregoing Will and Codicil of David Studabaker late of Adams County, deceased, has been duly admitted to probate: that its due execution has this day proven by James T. Merryman whose proof, together with said Will have been duly recorded on pages 2238

Seal

229, 240, 241, 242, 243, 244, 245, 246, 247, 248
Witness my hand and the seal of said Court
this 7th day of May 1904.
David Gerber, Clerk
By Paul Baumgartner, Deputy