

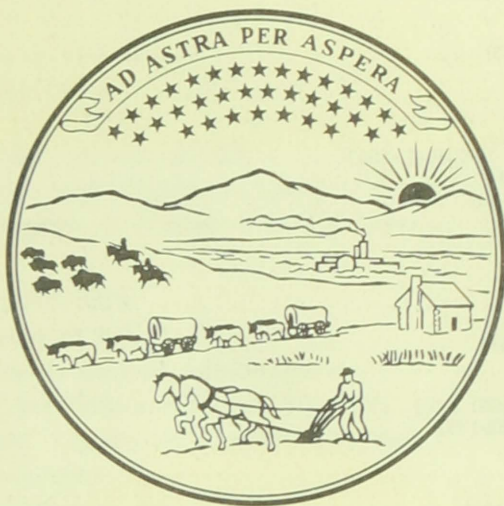
11/88

# Kansas Judicial Council Bulletin

AUGUST, 1988

SPECIAL BULLETIN

## PROBATE FORMS



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# TABLE OF CONTENTS

	PAGE
FORMER MEMBERS OF THE JUDICIAL COUNCIL.....(Inside front cover)	
Foreword	
by Justice Robert H. Miller, Chairman, Kansas Judicial Council .....	3
PREFACE	
by Robert H. Cobean, Chairman, Probate Law Advisory Committee .....	4
CHANGE IN ADDRESS OF RECIPIENT .....	8
TABLE OF FORMS .....	9

<i>Title</i>	<i>Form No.</i>
NONJUDICIAL PROCEDURES	
Affidavit of Death and Survivorship .....	11
Transfer of Title to Motor Vehicle .....	21
Affidavit of Death and Heirship.....	31
Receipt, Release and Idemnity Agreement.....	32
Surviving Spouses's Affidavit Transferring Certain Personal Prop- erty in Estates Under \$10,000.....	41
Heir's, Devisee's and Legatee's Affidavit Transferring Certain Personal Property in Estates Under \$10,000 .....	42
JUDICIAL PROCEDURES	
Affidavit Pursuant to K.S.A. 59-618a .....	101
Refusal to Grant Letters of Administration	
Surviving Spouse/Minor Children Situation.....	201-208
Heir, Devisee, Legatee or Creditor Situation .....	251-259
Descent Proceedings .....	301-308
Informal Administration Act .....	401-408
Supervised Testate Administration.....	501-562
Supervised Intestate Administration .....	601-631
Simplified Administration Act.....	701-743
Foreign Will.....	801-807
Disclaimer of Property.....	901
Termination of Joint Tenancy.....	1001-1006
SPECIAL JUDICIAL PROCEDURES WITHIN ADMINISTRATION	
Special Administration .....	1101-1111
Allowance of Demand .....	1201-1205
Statutory Allowance .....	1301-1306
Setting Apart Homestead .....	1401-1405
Sale of Personal Property	
Private Sale .....	1501-1506
Public Auction.....	1511-1518
Sale of Real Estate	
Public Auction.....	1601-1615
Private Sale .....	1621-1634
Private Sale (With Confirmation Included in Order of Sale).....	1641-1654

## FOREWORD

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Carefully prepared and annotated forms for guidance of the judges and lawyers of Kansas in the administration of estates have been published in the *Kansas Judicial Council Bulletin* for several decades. The last such publication was over ten years ago, in November 1977. Many statutory changes have been enacted in the interim.

The Probate Law Advisory Committee of the Kansas Judicial Council has just completed a thorough revision of the forms, keyed to current statutes and recent court decisions. The revised forms and the annotations are presented in a new loose-leaf format. Single pages, rather than the whole volume, may be changed and updated in the future as changes and modifications in the law require.

Robert H. Cobean, of Wellington, has again chaired this committee. His intricate knowledge of probate law, his dedication to the task, his careful draftsmanship, and his leadership in this field are reflected in the product. Serving with him on the committee were Doyle T. Beamgard, of Atwood, Judge Sam K. Bruner, Olathe, Jack E. Dalton, of Dodge City, Jack R. Euler, of Troy, Professor John F. Kuether, of Washburn School of Law, Judge Edward Larson, of Hays, and Professor Richard L. D. Morse of Manhattan. Representative Marvin Barkis, of Louisburg, Neal D. Whitaker, of Topeka, and Rudy E. Wrenick, Jr., of Topeka, also served on the committee but were required by the press of matters beyond their control to resign before the task was completed. We are grateful to all of these capable and dedicated people, who have given so tirelessly and generously of their time and talents. On behalf of the Council, I thank each of them.

The final product of the Committee has been submitted to and approved by the Judicial Council. We hope that this work will be of great assistance to the district judges who handle probate matters, to the public, and to the practicing bar of this state.

ROBERT H. MILLER, Chairman  
The Judicial Council of the State of Kansas

## PREFACE

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### COMMENTARY ON FORMS ILLUSTRATIVE OF PROCEDURE JUDICIAL AND NON-JUDICIAL, FOR THE TRANSFER OF TITLE TO PROPERTY OF A DECEDENT.

From the time of the original enactment of the PROBATE CODE in 1939, down to its many amendments including the 1987 Legislative session, the Kansas Judicial Council has approved and published six (6) different *Kansas Judicial Council Bulletins* of probate forms for decedent's estates. These PROBATE FORMS issues of the Judicial Council Bulletins have been widely used. Until now they have been published in bound volume format.

The frequent recent legislative changes in the PROBATE CODE have caused some of the forms to become out-of-date soon after publication. The Judicial Council now believes it can best serve the practitioner, the court and the public by publishing and frequently updating these forms in loose-leaf format, as the Judicial Council is now doing with other Council publications, such as *PIK-Criminal 2d*.

As pointed out in Justice Miller's FOREWORD, a Probate Law Advisory Committee was created and has diligently worked to update the probate forms appearing in this loose-leaf service. Each form bears a publication date of "7/88" "Kansas Judicial Council Probate Forms". These sheets will be identified consecutively by "Form Numbers" rather than "Page Numbers", as will future updated forms.

The Judicial Council Bulletin of January 1966 contains forms on "CARE AND TREATMENT". The Judicial Council Bulletin of November 1984 contains forms on "GUARDIANSHIP AND CONSERVATORSHIP". These forms, although somewhat out of date, are not being replaced by the following "7/88" updated loose leaf forms. However, since the Judicial Council is now embarked on the publication of forms in a loose leaf format, "GUARDIANSHIP AND CONSERVATORSHIP" and "CARE AND TREATMENT" forms may be updated and added in loose leaf format in the future.

#### NOW, AN EXPLANATION OF THE USE OF THESE FORMS.

Where a form contains text material in brackets, such as [AND DETERMINATION OF A VALID "CONSENT OF SPOUSE"] in the title to Form 503, the bracketed text indicates an optional additional fact which may or may not be applicable to the facts in the particular estate.

Where a form contains underlined clauses, such as in Paragraph

2, Form 503, the underlined text will need to be made applicable to the facts in the particular estate. Certain forms and parts of certain forms, such as Inventory and Valuation forms and Valid Settlement Agreement forms, do not follow the same format because it is clear the rest of the form will need to be made applicable to the particular estate and if underlining were used virtually the entire form would be underlined.

### NONJUDICIAL PROCEDURES

Forms 10's, 20's, 30's and 40's provide nonjudicial procedures for transferring joint tenancy and exempt property by affidavits. These forms are self explanatory.

### JUDICIAL PROCEDURES

#### K.S.A. 59-618a

If a decedent left a testamentary instrument but no *known* "PROBATE ASSETS", the testamentary instrument may be filed pursuant to K.S.A. 59-618a, and the instrument preserved for later use (after the 6 month period within which a will must otherwise be offered for probate) in the event there are later discovered "PROBATE ASSETS".

Some of the optional (additional) facts, which may be determined if properly included in Petitions, Notices and Journal Entries, are the following:

#### I. [DETERMINATION OF VALID "CONSENT OF SPOUSE"]

If you wish to determine the validity of a valid "Consent of Spouse" in the same hearing in which a will is offered:

A. In "Supervised" Testate Administration proceedings see Forms:

- 503: Petition
- 504: Other
- 505: Notice
- 536: Journal Entry

B. In "Simplified" Testate Administration proceedings, see Forms:

- 703: Petition
- 705: Notice
- 709: Notice (Alternate Form)
- 720: Journal Entry

## II. [APPROVAL OF VALID SETTLEMENT AGREEMENTS]

If you wish to obtain the approval of a “Valid Settlement Agreement”:

A. In a Determination of Descent proceeding, see Forms:

551: Valid Settlement Agreement

301: Petition

303: Notice

308: Journal Entry

B. In a supervised (or simplified) Testate Administration proceeding, see Forms:

551: Valid Settlement Agreement

552: Petition

554: Notice

560: Journal Entry

C. In a supervised (or simplified) Intestate Administration proceeding, see Forms:

551: Valid Settlement Agreement

621: Petition

623: Notice

629: Journal Entry

### DISCLAIMER OF INTEREST IN PROPERTY

If you wish to disclaim an interest in property, see Form:

901: Disclaimer

### SALE OF REAL ESTATE

If you wish to sell real estate at private sale and simultaneously obtain a confirmation of a conditional sale thereof, see Form:

1645: Petition

1647: Notice

1652: Journal Entry

Since the Judicial Council has elected to provide these forms in loose leaf format with the intention of updating, correcting and improving individual forms as needed, the Council solicits suggestions from the Bench and Bar in ways these and future forms may be improved.

Please send such suggestions to:

Kansas Judicial Council  
301 W. 10th, #262  
Topeka, KS 66612.

ROBERT H. COBEAN  
Chairman, Judicial Council  
Probate Law Advisory Committee



## CHANGE IN ADDRESS OF RECIPIENT

The *Kansas Judicial Council Bulletin* is mailed without charge to lawyers, courts, public officials, libraries and other persons who are interested in the work of the Judicial Council.

In order to save unnecessary printing and mailing expenses the mailing list for the *Kansas Judicial Council Bulletin* is continually being revised.

Persons receiving the *Kansas Judicial Council Bulletin*, other than lawyers registered with the Supreme Court under Rule No. 20, should advise the Judicial Council promptly if they have changed their address, and should provide the Judicial Council with both their previous address and their new address.

Lawyers registered under Supreme Court Rule No. 208 need not inform the Judicial Council of a change in address, but need only comply with subsection (c) of Supreme Court Rule No. 208. The Clerk of the Supreme Court will then furnish the change in address to the Judicial Council.

Address all correspondence to Kansas Judicial Council, Kansas Judicial Center, 301 West 10th Street, Topeka, Kansas 66612.

## TABLE OF FORMS NONJUDICIAL PROCEDURES

<i>Title</i>	<i>Form No.</i>
Affidavit of Death & Survivorship .....	11
Transfer of Title to Motor Vehicle .....	21
Affidavit of Death and Heirship .....	31
Receipt, Release and Indemnity Agreement .....	32
Surviving Spouse's Affidavit Transferring Certain Personal Property in Estates Under \$10,000 .....	41
Heirs, Devisee's and Legatee's Affidavit Transferring Certain Personal Property in Estates Under \$10,000 .....	42

## JUDICIAL PROCEDURES

<i>Title</i>	<i>Form No.</i>
Affidavit Pursuant to K.S.A. 59-618a .....	101

## REFUSAL TO GRANT LETTERS OF ADMINISTRATION (Surviving Spouse/Minor Children Situation)

<i>Title</i>	<i>Form No.</i>
Preface to Refusal to Grant Letters of Administration Forms	
Petition for Order (Admitting Will and Record and) Refusing to Grant Letters of Administration .....	201
Order for Hearing .....	202
Guardian Ad Litem Forms .....	203
Order Refusing to Grant Letters of Administration .....	204
Receipt .....	205
Petition for Order Terminating Proceedings .....	206
Order for Hearing .....	207
Order Terminating Proceedings .....	208

### (Heir, Devisee, Legatee or Creditor Situation)

Petition for Order Refusing to Grant Letters of Administration .....	251
Order for Hearing .....	252
Waiver of Notice .....	253
Bond .....	254
Order Refusing to Grant Letters of Administration .....	255
Receipt .....	256
Petition for Order Terminating Proceedings .....	257
Order for Hearing .....	258
Order Terminating Proceedings .....	259

## DESCENT PROCEEDINGS

<i>Title</i>	<i>Form No.</i>
Petition for Determination of Descent [and Approval of Valid Settlement Agreement] .....	301
Order for Hearing .....	302
Notice of Hearing .....	303
Affidavit of Service .....	304
Affidavit of Publication .....	305

<i>Title</i>	<i>Form No.</i>
Proceedings for Appointment of Guardians Ad Litem .....	306
Proceedings Under Soldiers' and Sailors' Civil Relief Act .....	307
Decree of Descent .....	308

## INFORMAL ADMINISTRATION ACT

<i>Title</i>	<i>Form No.</i>
Petition for Informal Administration [ <u>and to Admit Will to Probate</u> ] ...	401
Inventory and Valuation .....	Exhibit A
Listed Debts, Proposed Payments and Proposed Distribution of Assets .....	Exhibit B
Proof of Determination and Payment of Kansas Inheritance Taxes ...	Exhibit C
Proposed Construction of Will .....	Exhibit D
Order for Hearing .....	402
Notice of Hearing .....	403
Affidavit of Service .....	404
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act .....	405
Bond to Secure Payment of Listed Debts .....	406
Redelivery Bond .....	407
Journal Entry Granting Informal Administration [ <u>and Admitting Will to</u> <u>Probate</u> ] .....	408

## SUPERVISED TESTATE ADMINISTRATION

<i>Title</i>	<i>Form No.</i>
Last Will and Testament of <u>John Doe</u> .....	501
Consent of Spouse .....	502
Petition for Probate of Will and Issuance of Letters Testamentary [and Determination of a Valid "Consent of Spouse"] .....	503
Preface to Forms 504-516	
Notice Ordered Pursuant to K.S.A. 59-2209:	
Order for Hearing and for Notice to Creditors .....	504
Notice of Hearing and Notice to Creditors .....	505
Affidavit of Service .....	506
Affidavit of Publication .....	507
Notice Ordered by Mail or Otherwise:	
Order for Hearing and for Notice to Creditors .....	508
Notice of Hearing .....	509
Affidavit of Service .....	510
Notice to Creditors .....	511
Affidavit of Publication .....	512
Notice Waived:	
Voluntary Entry of Appearance and Waiver of Notice [and Bond] ...	513
Order for Hearing and Notice to Creditors .....	514
Notice to Creditors .....	515
Affidavit of Publication .....	516
Petition for Appointment of Guardian Ad Litem .....	517
Order for Hearing .....	518
Order Appointing Guardian Ad Litem .....	519
Voluntary Entry of Appearance and Waiver of Notice [and Bond] ...	520
Written Defenses of Guardian Ad Litem .....	521

<i>Title</i>	<i>Form No.</i>
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act .....	522
Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act .....	523
or	
Petition for Appointment of Attorney to Represent Unknown Persons in Service Pursuant to Soldiers' and Sailors' Civil Relief Act	
Order for Hearing .....	524
Order Appointing Attorney to Represent Interests of Person Pursuant to Soldiers' and Sailors' Civil Relief Act .....	525
Voluntary Entry of Appearance and Waiver of Notice [and Bond] ...	526
Written Defenses of Attorney Representing Interests of Person Pursuant to Soldiers' and Sailors' Civil Relief Act .....	527
Affidavit of Subscribing Witness (Taken Other Than in Court) .....	528
Testimony of Subscribing Witness (Taken in Court) .....	529
Forms Relating to Proof of Will by Issuance of Commission to Take Deposition of Subscribing Witness	
Petition for Issuance of Commission to Take Deposition of Subscribing Witness .....	530
Order for Hearing .....	531
Order for Issuance of Commission .....	532
Commission to Take Deposition .....	533
Written Questions Propounded to Subscribing Witnesses .....	534
Commissioner's Certificate to Deposition .....	535
Order Admitting Will to Probate and [Determining Valid "Consent of Spouse"] .....	536
Appointment of Agent by Nonresident Executor .....	537
Acceptance of Appointment as Agent of Nonresident Executor .....	538
Certificate Pursuant to K.S.A. 59-2233 .....	539
Oath of Executor .....	540
Bond .....	541
Letters Testamentary .....	542
Inventory and Valuation .....	543
Certificate of Adviser .....	544
Election to Take by Intestate Succession .....	545
Allowance of Demand .....	546
Statutory Allowances .....	547
Setting Apart of Homestead .....	548
Sale of Personal Property .....	549
Sale of Real Estate .....	550
Valid Settlement Agreement .....	551
Petition for Final Settlement [and Approval of Valid Settlement Agreement] .....	552
Order for Hearing .....	553
Notice of Hearing .....	554
Affidavit of Service .....	555
Affidavit of Publication .....	556
Written Defenses of Guardian Ad Litem .....	557
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act .....	558
Written Defenses of Attorney Representing Interests of Person Pursuant to Soldiers' and Sailors' Civil Relief Act .....	559

<i>Title</i>	<i>Form No.</i>
Journal Entry of Final Settlement .....	560
Receipt .....	561
Journal Entry of Final Discharge .....	562

## SUPERVISED INTESTATE ADMINISTRATION

<i>Title</i>	<i>Form No.</i>
Petition for Issuance of Letters of Administration .....	601
Notice of Intestate Proceedings .....	602
Proceedings for Appointment of Guardian Ad Litem .....	603
Proceedings Under Soldiers' and Sailors' Civil Relief Act .....	604
Order Appointing Administrator .....	605
Oath of Administrator .....	606
Bond of Administrator .....	607
Letters of Administration .....	608
Inventory and Valuation .....	609
Report of Appointment and Petition for Approval of Appraisers .....	610
Order for Hearing .....	611
Order Approving Appointed Appraiser .....	612
Certificate of Appraiser .....	613
Valuation and Independent Appraisement .....	614
Allowance of Demand .....	615
Statutory Allowance .....	616
Setting Apart Homestead .....	617
Sale of Personal Property .....	618
Valid Settlement Agreement .....	619
Sale of Real Estate .....	620
Petition for Final Settlement [and Approval of Valid Settlement Agreement] .....	621
Order for Hearing .....	622
Notice of Hearing .....	623
Affidavit of Service .....	624
Affidavit of Publication .....	625
Written Defenses of Guardian Ad Litem .....	626
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act .....	627
Written Defenses of Attorney Representing Interests of Person Pursuant to Soldiers' and Sailors' Civil Relief Act .....	628
Journal Entry of Final Settlement [and Approval of Valid Settlement Agreement] .....	629
Receipt .....	630
Journal Entry of Final Discharge .....	631

## SIMPLIFIED ADMINISTRATION ACT

<i>Title</i>	<i>Form No.</i>
Last Will and Testament of <u>Joe Brown</u> .....	701
Consent of Spouse .....	702
Petition for Probate of Will and Issuance of Letters Testamentary Under the Kansas Simplified Estates Act .....	703
Preface to Forms 704-716	

<i>Title</i>	<i>Form No.</i>
Notice Ordered Pursuant to K.S.A. 59-2209:	
Order for Hearing and for Notice to Creditors .....	704
Notice of Hearing and Notice to Creditors .....	705
Affidavit of Service .....	706
Affidavit of Publication .....	707
Notice Ordered by Mail or Otherwise:	
Order for Hearing and for Notice to Creditors .....	708
Notice of Hearing .....	709
Affidavit of Service .....	710
Notice to Creditors .....	711
Affidavit of Publication .....	712
Notice Waived:	
Voluntary Entry of Appearance and Waiver of Notice [and Bond] ...	713
Order for Hearing and For Notice to Creditors .....	714
Notice to Creditors .....	715
Affidavit of Publication .....	716
Guardian Ad Litem Forms .....	717
Soldiers' & Sailors' Civil Relief Act Forms .....	718
Forms Relating to Proof of Will .....	719
Order Admitting Will to Probate and Issuing Letters <u>Testamentary</u>	
Under the Kansas Simplified Estates Act .....	720
Certificate Pursuant to K.S.A. 59-2233 .....	721
Oath of <u>Executor</u> .....	722
Bond .....	723
Letters <u>Testamentary</u> Issued Under the Kansas Simplified Estates	
Act .....	724
Inventory and Valuation .....	725
Election to Take by Intestate Succession .....	726
Allowance and Classification of Demand .....	727
Statutory Allowance .....	728
Setting Apart Homestead .....	729
Sale of Personal Property .....	730
Sale of Real Estate .....	731
Petition for Judicial Determination of <u>Statutory Allowance</u> .....	732
Order for Hearing .....	733
Notice of Hearing .....	734
Affidavit of Service .....	735
Judicial Determination of <u>Statutory Allowance</u> .....	736
Petition for Supervised Administration .....	737
Order for Hearing .....	738
Notice of Hearing .....	739
Affidavit of Service .....	740
Order for Supervised Administration .....	741
Letters Testamentary .....	742
Closing of Estate Under Kansas Simplified Estates Act .....	743

# **FOREIGN WILL**

<i>Title</i>	<i>Form No.</i>
Petition to Admit Foreign Will to Probate and Record .....	801
Order for Hearing .....	802

<i>Title</i>	<i>Form No.</i>
Notice of Hearing .....	803
Affidavit of Service .....	804
Affidavit of Publication .....	805
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act .....	806
Order Admitting Authenticated Copy of Foreign Will to Probate and Record .....	807

## DISCLAIMER OF PROPERTY

<i>Title</i>	<i>Form No.</i>
Preface to Disclaimer of Interests in Property Form	
Disclaimer of Interest in Property .....	901

## TERMINATION OF JOINT TENANCY

<i>Title</i>	<i>Form No.</i>
Petition for Termination of <u>Estate in Joint Tenancy</u> .....	1001
Order for Hearing .....	1002
Notice of Hearing .....	1003
Affidavit of Service .....	1004
Affidavit Pursuant to Soldiers' & Sailors' Civil Relief Act .....	1005
Journal Entry of Termination of <u>Joint Tenancy</u> .....	1006

## SPECIAL JUDICIAL PROCEDURES WITHIN ADMINISTRATION SPECIAL ADMINISTRATION

<i>Title</i>	<i>Form No.</i>
Petition for Appointment of Special Administrator .....	1101
Order for Hearing .....	1102
Order Appointing Special Administrator .....	1103
Oath of Special Administrator .....	1104
Bond of Special Administrator .....	1105
Letters of Special Administration .....	1106
Petition for Order Approving Accounting and Closing Special Administration .....	1107
Order for Hearing .....	1108
Order Approving Accounting and Closing Special Administration .....	1109
Receipt .....	1110
Journal Entry of Final Discharge of Special Administrator .....	1111

## ALLOWANCE OF DEMAND

<i>Title</i>	<i>Form No.</i>
Petition for Allowance and Classification of Demand .....	1201
Order for Hearing .....	1202
Notice of Hearing .....	1203
Affidavit of Service .....	1204
Order Allowing and Classifying Demand .....	1205

## STATUTORY ALLOWANCE

<i>Title</i>	<i>Form No.</i>
Petition for Statutory Allowance .....	1301
Order for Hearing .....	1302
Notice of Hearing .....	1303
Affidavit of Service .....	1304
Order for Statutory Allowance .....	1305
Receipt .....	1306

## SETTING APART HOMESTEAD

<i>Title</i>	<i>Form No.</i>
Petition to Set Apart Homestead .....	1401
Order for Hearing .....	1402
Notice of Hearing .....	1403
Affidavit of Service .....	1404
Order Setting Apart Homestead .....	1405

## SALE OF PERSONAL PROPERTY (Private Sale)

<i>Title</i>	<i>Form No.</i>
Petition for Sale of Personal Property at Private Sale .....	1501
Order for Hearing .....	1502
Notice of Hearing .....	1503
Affidavit of Service .....	1504
Order for Sale of Personal Property at Private Sale .....	1505
Report of Sale of Personal Property at Private Sale .....	1506

### (Public Auction)

Petition for Sale of Personal Property at Public Auction .....	1511
Order for Hearing .....	1512
Notice of Hearing .....	1513
Affidavit of Service .....	1514
Order for Sale of Personal Property at Public Auction .....	1515
Notice of Sale .....	1516
Affidavit of Publication .....	1517
Report of Sale of Personal Property at Public Auction .....	1518

## SALE OF REAL ESTATE (Public Auction)

<i>Title</i>	<i>Form No.</i>
Petition for Sale of Real Estate at Public Auction .....	1601
Order for Hearing .....	1602
Notice of Hearing .....	1603
Affidavit of Service .....	1604
Affidavit of Publication .....	1605
Proceedings Under Soldiers' and Sailors' Civil Relief Act .....	1606
Proceedings for Appointment of Guardians Ad Litem .....	1607
Order to Sell Real Estate at Public Auction .....	1608



<i>Title</i>	<i>Form No.</i>
Notice of Sale .....	1609
Affidavit of Publication .....	1610
Report and Petition for Confirmation of Sale of Real Estate at Public Auction .....	1611
Order for Hearing .....	1612
Order Confirming Sale of Real Estate at Public Auction .....	1613
Rider to be Attached to Bond of <u>Administrator, Jack O. Jones</u> , on File Herein .....	1614
<u>Administrator's Deed</u> .....	1615
<b>(Private Sale)</b>	
Petition for Sale of Real Estate at Private Sale .....	1621
Order for Hearing .....	1622
Notice of Hearing .....	1623
Affidavit of Service .....	1624
Affidavit of Publication .....	1625
Proceedings Under Soldiers' and Sailors' Civil Relief Act .....	1626
Proceedings for Appointment of Guardians Ad Litem .....	1627
Order for Sale of Real Estate at Private Sale .....	1628
Certificate of Appraisers .....	1629
Report and Petition for Confirmation of Sale of Real Estate at Private Sale .....	1630
Order for Hearing .....	1631
Order Confirming Sale of Real Estate at Private Sale .....	1632
Rider to be Attached to Bond of <u>Administrator, Jack O. Jones</u> , on File Herein .....	1633
<u>Administrator's Deed</u> .....	1634
<b>Private Sale (with confirmation included in order of sale)</b>	
Report of Appointment and Petition for Approval of Appraiser .....	1641
Order for Hearing .....	1642
Order Approving Appointed Appraiser .....	1643
Certificate of Appraiser .....	1644
Petition for Sale of Real Estate at Private Sale and for Confirmation Thereof .....	1645
Order for Hearing .....	1646
Notice of Hearing .....	1647
Affidavit of Service .....	1648
Affidavit of Publication .....	1649
Proceedings Under Soldiers' and Sailors' Civil Relief Act .....	1650
Proceedings for Appointment of Guardians Ad Litem .....	1651
Order Authorizing and Confirming Sale of Real Estate at Private Sale .....	1652
Rider to be Attached to Bond of <u>Administrator, Jack O. Jones</u> , on File Herein .....	1653
<u>Administrator's Deed</u> .....	1654

NONJUDICIAL PROCEDURES

<i>Title</i>	<i>Form No.</i>
Affidavit of Death & Survivorship .....	11
Transfer of Title to Motor Vehicle .....	21
Affidavit of Death and Heirship .....	31
Receipt, Release and Indemnity Agreement .....	32
Surviving Spouse's Affidavit Transferring Certain Personal Property in Estates Under \$10,000 .....	41
Heirs, Devisee's and Legatee's Affidavit Transferring Certain Personal Property in Estates Under \$10,000 .....	42

## AFFIDAVIT OF DEATH AND SURVIVORSHIP

STATE OF KANSAS

COUNTY OF APACHE

} ss:

Beverly Davis, being duly sworn, on my oath, states:

1. Affiant and spouse William Davis, were grantees in a warranty deed recorded in the office of Register of Deeds of Apache County, Kansas, to-wit:

West 15 feet of Lot 11 and all of lots 12 and 13, Block 7, Sylvan Heights addition to the City of Hometown, as recorded in book xxx, page xxx,

conveying the above described real estate to affiant and William Davis, and the survivor of them, as joint tenants with the right of survivorship and not as tenants in common.

2. William Davis died on October 30, 1986, and upon death affiant as the surviving joint tenant became the sole and absolute owner in fee simple of the above-described real estate by right of survivorship.

3. At the time of death of decedent the value of all property owned by decedent or in which decedent had any interest, including transfers made within one year of death and including all property owned in joint tenancy, was \$24,000.

4. Decedent had \$3,163.00 life insurance payable to surviving spouse.

5. No federal estate tax is chargeable against the estate of William Davis and the Kansas Inheritance Tax closing letter is on file.

Beverly Davis

SUBSCRIBED AND SWORN to before me on November 25, 1986.

Neva Wright

Notary Public

My Appointment Expires:

February 19, 1990

(Acknowledgment)

See form 513

*Reference:* K.S.A. 58-501; Title Standards 12.4, 12.5, 12.6 and 12.7.

*Time:* Any time after death.

*Comment:* A death certificate from proper federal, state or local vital statistics authorities, a certificate of death signed and sworn by the undertaker who conducted the funeral or an affidavit of death from some responsible person who knows the facts are all acceptable to show title to the survivor.

The certificate or affidavit must be recorded in the office of the register of deeds of the county where the land is situated.

In addition, before the title is marketable, six months must elapse and a showing of nontax liability for Kansas inheritance taxes must be made.

The procedure under K.S.A. 59-2286 is an alternative procedure, see form 1001.

Paragraph four, relating to life insurance, is included to show that, despite nonprobate assets, the estate is not taxable.

If appropriate, an additional paragraph may be added to the form to read as follows: "6. Decedent's last will and testament will be filed with the District Court of Apache County, Kansas pursuant to K.S.A. 59-618a and no administration of the estate has or will be had and no fiduciary for the estate has or will be appointed." If the filed will is contractual between the joint tenants, or consented to by a spouse, the possibility of severance of the joint tenancy exists.

---

21

### TRANSFER OF TITLE TO MOTOR VEHICLE

Form: Forms prepared by Division of Vehicles of the Kansas Department of Revenue for spousal allowances or other heirs are usually available from the County Treasurer.

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Reference: K.S.A. 8-135.

Time: Any time after death.

Comment: Transfer of motor vehicles to the surviving spouse or to the heirs may be accomplished in certain instances by using the forms provided by the Vehicles Division of the Kansas Department of Revenue.

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31

### AFFIDAVIT OF DEATH AND HEIRSHIP

STATE OF KANSAS

COUNTY OF APACHE

} ss:

Joyce Black, being first duly sworn, on my oath, states:

1. I am a resident of Apache County, Kansas, and was married to decedent, Fred Black at the time of death.

2. Fred Black, died testate on August 2, 1987 at Hometown, Kansas and possessed of checking account No. 638-439 in the amount of \$1,700 in Hometown State Bank, Hometown, Kansas.

3. Decedent left as heirs-at-law the following persons:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Address</i>
<u>Joyce Black</u>	<u>Adult</u>	<u>Spouse</u>	<u>1717 W. 17th Street</u> <u>Hometown, Kansas 66648</u>
<u>Mike Black</u>	<u>Adult</u>	<u>Son</u>	<u>1717 West 17th Street</u> <u>Hometown, Kansas 66648</u>

Affiant states that so far as known or can with reasonable diligence be ascertained decedent had no spouse, children, issue of deceased children or other heirs who survived decedent other than the persons above named.

4. All debts and claims against the estate have been paid, including expenses of last illness and funeral expenses.

5. No last will and testament of decedent has been filed for administration with any court and no administration of the estate is contemplated.

\_\_\_\_\_  
Joyce Black

SUBSCRIBED AND SWORN to before me on September 10, 1987.

\_\_\_\_\_  
Neva Wright

\_\_\_\_\_  
Notary Public

My Appointment Expires:  
February 19, 1990

*Reference:* Not a statutory procedure.

*Time:* At any time after death.

*Comment:* Use of this procedure may vary with custom in various areas of the state and with individual financial institutions' practices.

In situations in which the decedent had a will which is not being offered for formal admission to probate a copy of the will may be required to be exhibited.

Form 32 may be used with this form.

**RECEIPT, RELEASE AND INDEMNITY AGREEMENT**

On September 10, 1987, for value received, and in consideration of Hometown State Bank of Hometown, Kansas paying over to Joyce Black the sum of \$1,700 which is the balance in account No. 638-439 in Hometown State Bank in the name of Fred Black who died August 3, 1987 without requiring administration of the estate, we hereby acknowledge receipt of the above amount, release Hometown State Bank from any liability therefor, and agree to indemnify and to hold Hometown State Bank harmless from any and all liability of any kind or nature which may result from this payment to Joyce Black without requiring administration of the estate of the decedent.

\_\_\_\_\_  
Joyce Black

\_\_\_\_\_  
Mike Black

*Reference:* Not a statutory procedure.

*Time:* At any time after death.

*Comment:* Use of this procedure may vary with custom in various areas of the state and with individual financial institutions' practices.

In situations in which the decedent had a will which is not being offered for formal admission to probate a copy of the will may be required to be exhibited.

Form 31 may be used with this form.

**SURVIVING SPOUSE'S AFFIDAVIT TRANSFERRING  
CERTAIN PERSONAL PROPERTY IN  
ESTATES UNDER \$10,000**

See K.S.A. 59-1507b(a), as to: Form.

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*Reference:* K.S.A. 59-1507b(a).

*Time:* Anytime after death.

*Comment:* Use the statutory form. If the surviving spouse is not the only beneficiary or heir the section may or may not be applicable.

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**HEIRS, DEVISEE'S AND LEGATEE'S AFFIDAVIT  
TRANSFERRING CERTAIN PERSONAL PROPERTY  
IN ESTATES UNDER \$10,000**

See K.S.A. 59-1507b(b), as to: Form.

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*Reference:* K.S.A. 59-1507b(b).

*Time:* Anytime after death.

*Comment:* Use the statutory form.

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JUDICIAL PROCEDURES

Title

Form No.

Affidavit Pursuant to 59-618a ..... 101

101

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of }  
JAMES J. WILSON, Deceased } No. 86-P-1001

AFFIDAVIT PURSUANT TO K.S.A. 59-618a

STATE OF KANSAS }  
COUNTY OF APACHE } ss:

Mary J. Wilson, of lawful age, being first duly sworn upon oath, states:

1. James J. Wilson died testate at Hometown, Apache County, Kansas on October 30, 1986; at the time of death decedent was a resident of Apache County, Kansas and a citizen of the United States residing at 824 Main Street, Hometown, Kansas 66648; decedent's estate contains no real property and the value of decedent's probate estate is less than the total of all demands of the decedent's estate as such demands are enumerated in K.S.A. 59-1301.

2. The names, relationships and addresses of all decedent's heirs, legatees and devisees which are known to this affiant, after diligent search and inquiry, are as follows:

Name	Relationship	Interest	Address
<u>Mary J. Wilson</u>	<u>Wife</u>	<u>Heir, devisee and legatee</u>	<u>824 Main Hometown, KS 66648</u>
<u>Peter Wilson</u>	<u>Son</u>	<u>Heir, devisee and legatee</u>	<u>Country Park Estates Hometown, KS 66648</u>
<u>Richard Wilson</u>	<u>Son</u>	<u>Heir, devisee and legatee</u>	<u>807 West Street Blackwell, OK 74631</u>
<u>Edith Wilson Smith</u>	<u>Daughter</u>	<u>Heir, devisee and legatee</u>	<u>523 North High Hometown, KS 66648</u>
<u>Hometown Animal Shelter</u>	<u>None</u>	<u>Legatee</u>	<u>1212 South High Hometown, KS 66648</u>

3. The name and address of any trustee of any trust established under the will, is as follows:

NONE

4. The personal property owned solely by the decedent at the time of death is as follows:

NONE

5. The approximate amount and nature of any demands enumerated in K.S.A. 59-1301, and amendments thereto, which were outstanding against the decedent's estate upon the decedent's death, are as follows:

NONE

6. The will of James J. Wilson, dated July 7, 1986, is filed with the District Court of Apache County, Kansas, for the purpose of preserving the same for record in the event formal probate proceedings are later required.

7. A copy of this affidavit and a copy of the will have this date been mailed to each heir, devisee, and legatee named herein, as required by K.S.A. 59-618a.

MARY WILSON

SUBSCRIBED AND SWORN to before me on November 10, 1986.

NEVA WRIGHT

*Notary Public*

My Appointment Expires:  
February 19, 1990

*Reference:* K.S.A. 59-617; 59-618; 59-618a; 59-621.

*Time:* Within 6 months of date of death.

*Comment:* This procedure is useful when estate planning devices such as joint tenancy or intervivos trusts have been used.

Mailing a copy of the affidavit and will to a designated fiduciary, who is other than a devisee or legatee, is appropriate.

Paragraph seven of this form constitutes an affidavit of service.

If K.S.A. 59-618a is used and the decedent died testate but left no property the statute requires the will be filed with the court.



# REFUSAL TO GRANT LETTERS OF ADMINISTRATION

## (Surviving Spouse/Minor Children Situation)

*Title*

*Form No.*

Preface to Refusal to Grant Letters of Administration Forms	
Petition for Order (Admitting Will to Record and) Refusing to Grant Letters of Administration .....	201
Order for Hearing .....	202
Guardian At Litem Forms .....	203
Order Refusing to Grant Letters of Administration .....	204
Receipt .....	205
Petition for Order Terminating Proceedings .....	206
Order for Hearing .....	207
Order Terminating Proceedings .....	208

## (Heir, Devisee, Legatee or Creditor Situation)

Petition for Order Refusing to Grant Letters of Administration .....	251
Order for Hearing .....	252
Waiver of Notice .....	253
Bond .....	254
Order Refusing to Grant Letters of Administration .....	255
Receipt .....	256
Petition for Order Terminating Proceedings .....	257
Order for Hearing .....	258
Order Terminating Proceedings .....	259

### Preface to Refusal to Grant Letters of Administration Forms

K.S.A. 59-2287, the refusal to grant letters of administration statute, applies only to two distinct situations.

The first is covered by K.S.A. 59-2287(a)(1) and can be called the “surviving spouse/minor children situation.” When the value of the personal property owned by the decedent is not greater in amount than is allowed by law as exempt property, and the allowance to the surviving spouse or minor children under K.S.A. 59-403, the court may refuse to grant letters of administration. See forms 201 to 208.

The second situation is covered by K.S.A. 59-2287(a)(2) and can be called the “heir, devisee, legatee or creditor situation.” When the real and personal estate of the decedent does not exceed \$10,000, and the estate is not subject to allowances pursuant to K.S.A. 59-403 and amendments thereto or such allowances are waived, the court may refuse to grant letters of administration. See forms 251 to 258.

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of }  
FRANK GREEN, Deceased }

No. 9000

(Petition Pursuant to K.S.A. Chapter 59)

PETITION FOR ORDER [ADMITTING WILL TO RECORD AND]  
 REFUSING TO GRANT LETTERS OF ADMINISTRATION

Comes Now Jane Green, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 3, Hometown, Kansas 66650.

2. Petitioner has an interest in decedent's Estate as the surviving spouse and one of the heirs.

3. Frank Green died intestate at Hometown, Kansas, on June 3, 1986; at the time of death decedent was a resident of Apache County, Kansas; a citizen of the United States, and not more than six months have passed since the date of decedent's death.

4. The names, ages, relationships, residences and addresses of the heirs of the decedent so far as known or can with reasonable diligence be ascertained are:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Residence Address</i>	<i>Mailing Address</i>
<u>Jane Green</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 3</u> <u>Hometown, Kansas 66650</u>	<u>Same</u>
<u>Frank Green</u>	<u>16 years</u>	<u>Son</u>	<u>Route 3</u> <u>Hometown, Kansas 66650</u>	<u>Same</u>
<u>Sue Green</u>	<u>14 years</u>	<u>Daughter</u>	<u>Route 3</u> <u>Hometown, Kansas 66650</u>	<u>Same</u>

[5. The names, ages, relationships, residences and addresses of the devisees and legatees so far as known or can with reason able diligence be ascertained are:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Residence Address</i>	<i>Mailing Address</i>
(NONE)]				

6. The names and addresses of the duly appointed legal representatives of the surviving spouse and minor children above named so far as known or can with reasonable diligence be ascertained are:

<i>Name</i>	<i>Representative Capacity</i>	<i>Address</i>
(N O N E)		

7. So far as known or can with reasonable diligence be ascertained decedent had no spouse, children, issue of deceased children, or other heirs who survived decedent, other than the persons above named.

8. The estate of the decedent, less liens and encumbrances, is not greater in value than the amount allowable by law to the surviving spouse and minor children under K.S.A. 59-403 and consists entirely of personal property, as follows:

(a) Pursuant to K.S.A. 59-403(1):

(1) <u>Furniture</u>	<u>Value</u> \$ 500.00
(2) <u>Household Goods</u>	\$ 500.00
(3) <u>Wearing Apparel</u>	\$ 500.00
(4) <u>Automobile (1985 Ford 2-dr Sedan, Id. No. 12345)</u>	<u>\$4,000.00</u>

(b) Pursuant to K.S.A. 59-403(2):	
(5) <u>100 Shares of XYZ Corporation Stock with a value of \$50 per Share</u>	<u>\$5,000.00</u>
(6) Money due from ABC Corporation	\$ 200.00
TOTAL (b)	<u>\$5,200.00</u>

9. The State of Kansas has determined there is no inheritance tax liability.

[10. Petitioner, pursuant to K.S.A. 59-621, delivers herewith a written instrument dated January 15, 1986, purporting to be the Last Will and Testament of Frank Green, deceased.]

WHEREFORE, Petitioner prays the Court find the entire estate of the decedent be assigned and distributed to petitioner and the minor children of decedent as statutory allowance pursuant to K.S.A. 59-403, unless the existence of other property is shown; an Order be issued refusing to grant letters of administration [the instrument offered as decedent's last will and testament be admitted to record].

JANE GREEN  
Petitioner

(V E R I F I C A T I O N)

See form 503

Submitted By:

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-403; 59-621; 59-2222; 59-2287; S. Ct. Rule No. 111.  
*Time:* Within six months of date of death.  
*Comment:* The Petition can also be brought on behalf of minor children if there is no surviving spouse.  
In the statute relating to refusal to grant letters of administration no distinction is made between intestate and testate estates. If refusal of letters of administration is appropriate in a testate situation the will should be delivered with the petition pursuant to K.S.A. 59-621.  
If in a testate situation it is desirable to comply with K.S.A. 59-617, the petition must so allege and proper notice must be given.

ORDER FOR HEARING

See form 553, as to: (1) Form,  
(2) Reference, and  
(3) Time.

*Comment:* Since notice of hearing is not required by law the time and place of hearing, if any, shall be ordered by the court pursuant to 59-2208.

203

GUARDIAN AD LITEM FORMS

The forms relating to appointment of Guardians ad litem are numbered 517 to 521, and are titled as follows:

Form No.	Title
517	Petition for Appointment of Guardian Ad Litem
518	Order for Hearing
519	Order Appointing Guardian Ad Litem
520	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
521	Written Defenses of Guardian Ad Litem

204

(CAPTION)

ORDER REFUSING TO GRANT LETTERS OF ADMINISTRATION

On July 1, 1986, comes on for hearing the Petition for Order [Admitting Will to Record and] Refusing to Grant Letters of Administration, filed herein by Jane Green.

The Petitioner appears in person and by attorneys, Pleader, Pleader & Tryor. Jane Green and Frank Green, minors, appear by their guardian ad litem, M. R. Dockett. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, [devisees and legatees].
2. Notice of this hearing has been given as required by law and the Order of this Court and proof thereof has been duly filed herein and is hereby approved.
3. The allegations of the petition are true.
4. Frank Green died intestate at Hometown, Kansas on June 3, 1987; at the time of death decedent was a resident of Apache County, Kansas and a citizen of the United States.
5. Frank Green was survived by the following named persons who, so far as known or can with reasonable diligence be ascertained, are all of decedent's heirs.

Name	Age	Relationship	Residence Address	Mailing Address
<u>Jane Green</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 3, Hometown, Kansas 66650</u>	<u>Same</u>
<u>Frank Green</u>	<u>16 years</u>	<u>Son</u>	<u>Route 3, Hometown, Kansas 66650</u>	<u>Same</u>
<u>Sue Green</u>	<u>14 years</u>	<u>Daughter</u>	<u>Route 3, Hometown, Kansas 66650</u>	<u>Same</u>

6. The estate of the decedent is not greater in value than the amount allowable by law to the surviving spouse and minor children under K.S.A. 59-403, and consists entirely of personal property.

7. The personal property of the decedent hereinafter described be assigned to Jane Green, surviving spouse for the use and benefit of Jane Green and the decedent's minor children Frank Green and Sue Green.

8. The State of Kansas has determined there is no inheritance tax liability.
9. There are costs due this Court in the amount of \$\_\_\_\_\_ to be paid by Jane Green, Petitioner.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:  
(A) The above findings are hereby made a part of the order and decree of this Court.

(B) The following described personal property:

(1) Pursuant to K.S.A. 59-403(1):	
(a) Furniture	Value \$ 500.00
(b) Household Goods,	\$ 500.00
(c) Wearing Apparel,	\$ 500.00
(d) Automobile (1985 Ford 2-dr Sedan, Id. No. 12345)	\$4,000
TOTAL (1)	\$5,500.00
(2) Pursuant to K.S.A. 59-403(2):	
(a) 100 Shares XY Corporation Stock with a value of \$50 per Share,	\$5,000
(b) Money due from ABC \$ 200.00 Corporation	\$ 200.00
TOTAL (2)	\$5,200.00

be and the same is hereby assigned to Jane Green, surviving spouse for the use and benefit of Jane Green and the decedent's minor children Frank Green and Sue Green.

(C) No Letters of Administration be issued on this estate.

A. L. MANN  
\_\_\_\_\_  
Judge

(SEAL)

APPROVED BY:  
PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

Reference: K.S.A. 59-401; 59-403; 59-2287; 59-2289; S. Ct. Rule No. 111.  
Comment: The Court can order an appraisal if necessary.  
If other property is found, or if it is found that the value of the decedent's property exceeded the total of exempt property and allowances permitted, an Order Setting Aside Refusal to Grant Letters of Administration could be prepared.

205

RECEIPT

See form 561, as to: (1) Form (generally).

206

(CAPTION)

PETITION FOR ORDER TERMINATING PROCEEDINGS

Comes Now Jane Green, Petitioner, and alleges:  
1. Petitioner is a resident of Apache County, Kansas, whose address is Route 3, Hometown, Kansas 66650.  
2. The State of Kansas has determined there is no inheritance tax liability.  
3. The costs due this court have been paid.

4. Further proceedings in the administration of the estate, pursuant to K.S.A. 59-2287, are unnecessary.

WHEREFORE, Petitioner prays that unless further estate of the decedent be discovered all further settlements and other proceedings concerning the estate be dispensed with and that the surviving spouse and decedent's minor children be relieved of any further obligations with respect to the estate.

JANE GREEN

*Petitioner*

(V E R I F I C A T I O N)

See Form 503

SUBMITTED BY:

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-2287; S. Ct. Rule No. 111.

*Comment:* This order shall be made without notice, unless the Court otherwise orders.

207

(CAPTION)

**ORDER FOR HEARING**

See form 518, as to: (1) Form, and  
(2) Time.

*Reference:* K.S.A. 59-2287; 59-2288; S. Ct Rule No. 111.

208

(CAPTION)

**ORDER TERMINATING PROCEEDINGS**

On July 15, 1986, comes on for hearing the Petition for Order Terminating Proceedings filed herein by Jane Green.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of time and place of hearing is not necessary or required by law.

or

[1. Notice of this hearing has been given as required by law and the order of this Court and proof thereof has been duly filed herein and is hereby approved.]

2. The State of Kansas has determined there is no inheritance tax liability.

3. The costs due this Court have been paid.

- 4. Appropriate receipts have been filed herein.
  - 5. Further proceedings in the administration of the estate pursuant to K.S.A. 59-2287 are unnecessary.
- IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:
- (A) The above findings are hereby made a part of the order and decree of this Court.
- (B) Unless further assets of the decedent are discovered all further settlements and other proceedings concerning the estate are dispensed with.
- (C) The surviving spouse and decedent's minor children are relieved of any further obligations with respect to the estate.

A. L. MANN  
\_\_\_\_\_  
Judge

(SEAL)  
Submitted by:  
  
PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

\_\_\_\_\_  
*Reference:* K.S.A. 59-2287; S. Ct. Rule No. 111.  
*Comment:* This order shall be made without notice, unless the Court otherwise orders.

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of        }  
BERTHA ALLEN, Deceased                }  
(Petition pursuant to K.S.A. Chapter 59)        No. 10,000

PETITION FOR ORDER REFUSING TO  
GRANT LETTERS OF ADMINISTRATION

- Comes now Hazel Jones, Petitioner, and alleges:
- 1. Petitioner is a resident of Apache County, Kansas, whose address is 200 Lake Street, Hometown, Kansas 66649.
  - 2. Petitioner has an interest in decedent's estate as a creditor of the estate having a valid claim for funeral expenses in the amount of \$4,496, an itemized statement of which is attached.
  - 3. Bertha Allen, deceased, died intestate at Hometown, Kansas, on January 14, 1986; at the time of death decedent was a resident of Apache County, Kansas, and a citizen of the United States; not more than six months have passed since the date of death.
  - 4. The names, ages, relationships, residences and addresses of the heirs of the decedent so far as known or can with reason able diligence be ascertained are:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Residence Address</i>	<i>Mailing Address</i>
<u>Hazel Jones</u>	<u>Adult</u>	<u>Sister</u>	<u>200 Lake Street, Hometown,</u> <u>Kansas 66649</u>	<u>Same</u>
<u>Elsa Smith</u>	<u>Adult</u>	<u>Sister</u>	<u>525 Smith Place, Hometown,</u> <u>Kansas 66649</u>	<u>Same</u>

5. So far as known or can with reasonable diligence be ascertained decedent had no spouse, children, issue of deceased children, or other heirs who survived decedent, other than the persons above named.

6. The estate of the decedent, less liens and encumbrances, is not greater in value than \$10,000, and consists entirely of personal property, as follows:

<i>Property</i>	<i>Value</i>
<u>Hometown State Bank NOW Account #12-3456789</u>	<u>\$9,550.00</u>

7. The State of Kansas has determined there is no inheritance tax liability.

8. Petitioner files herewith a personal bond in an amount not less than the value of the estate, will pay the debts of the decedent in the order of preference, and will distribute the balance, if any, to the persons entitled to it under law.

WHEREFORE, Petitioner prays the Court issue an Order Refusing to Grant Letters of Administration; the Court assign the property above mentioned to Petitioner for the purpose of paying debts and distributing the assets; the Court approve Petitioner's personal bond in the amount of the value of the estate; and the Court designate the person or persons entitled to receive any excess of the estate.

HAZEL JONES

*Petitioner*

( V E R I F I C A T I O N )

See Form 503

Submitted by:

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-629; 59-2222; 59-2287(a)(2) & (d); S. Ct. Rule No. 111.

*Time:* Within six months of date of death.

*Comment:* In the statute relating to refusal to grant letters of administration no distinction is made between intestate and testate estates. If refusal of letters of administration is appropriate in a testate situation the will should be delivered with the petition pursuant to K.S.A. 59-621.

If in a testate situation it is desirable to comply with K.S.A. 59-617, the petition must so allege and proper notice must be given.

It is essential petitioner determine all claims and order of priority before any distribution is made.



## ORDER FOR HEARING

See Form 553, as to: (1) Form, and  
(2) Time.

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*Reference:* K.S.A. 59-2287(a)(2) and (d).

*Comment:* Since notice of hearing is not required by publication the time and place of hearing shall be ordered by the court pursuant to 59-2208.

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## WAIVER OF NOTICE

See form 513, as to: (1) Form,  
(2) Reference, and  
(3) Time.

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(CAPTION)

## BOND

KNOW ALL PERSONS BY THESE PRESENTS:

I, Hazel Jones, as principal, am held and firmly bound to the State of Kansas in the sum of \$9,550, the payment of which I bind myself, my executors and administrators.

The condition of the above obligation is such that as a creditor of Bertha Allen, decedent, I have been appointed by the District Court of Apache County, Kansas, under an Order Refusing to Grant Letters of Administration and assume the obligation, so far as the assets of the estate will permit, to pay the debts of the decedent in order of their preference and to distribute the balance, if any, to the persons entitled thereto under the law, and perform all other obligations concerning the estate required by law or the order or decree of any court having jurisdiction.

Now if Hazel Jones, the principal shall faithfully discharge all the duties of trust according to law then this obligation shall be void, otherwise it shall remain in full force and effect.

Dated and signed February 27, 1986.

HAZEL JONES

*Principal*

STATE OF KANSAS }  
COUNTY OF APACHE } ss:

I, Hazel Jones, being duly sworn, state:  
I am worth, over and above all my liabilities and legal exemptions, the sum of  
\$9,550.

HAZEL JONES

SUBSCRIBED AND SWORN to before me on February 27, 1986.

A. L. Mann  
*Judge*

(SEAL)

The above bond taken and approved by me March 14, 1986.

A. L. MANN  
*Judge*

(S E A L)

*Reference:* K.S.A. 59-1101 et seq; 59-2287(a)(2) & (d); S. Ct. Rule No. 111.  
*Comment:* K.S.A. 59-1101 gives the judge discretion to determine what is a "sufficient  
surety".

255

(CAPTION)

**ORDER REFUSING TO GRANT LETTERS OF ADMINISTRATION**

On March 14, 1986, comes on for hearing the Petition for Order Refusing to Grant  
Letters of Administration, filed herein by Hazel Jones.  
Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. There are  
no other appearances.

After examining the files, hearing the evidence, statements and arguments of coun-  
sel, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages and relationships  
and residences and addresses of heirs, [devisees and legatees].

2. Notice of this hearing has been given as required by law and the order of this  
court and proof thereof has been duly filed herein and is hereby approved.

3. The allegations of the Petition are true.

4. Bertha Allen died intestate at Hometown, Kansas on January 14, 1986; at the  
time of death decedent was a resident of Apache County, Kansas, and a citizen of  
the United States.

5. Bertha Allen was survived by the following named persons who, so far as known  
or can with reasonable diligence be ascertained are all of decedent's heirs:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Residence Address</i>	<i>Mailing Address</i>
<u>Hazel Jones</u>	<u>Adult</u>	<u>Sister</u>	<u>200 Lake Street, Hometown, KS</u> <u>66649</u>	<u>Same</u>
<u>Elsa Smith</u>	<u>Adult</u>	<u>Sister</u>	<u>525 Smith Place, Hometown, KS</u> <u>66649</u>	<u>Same</u>

6. The estate of the decedent is not greater in value than \$10,000 and consists entirely of personal property.
7. The State of Kansas has determined there is no inheritance tax liability.
8. Petitioner has given personal bond, approved by the court, in the amount of \$9,550, conditioned on paying the debts of the decedent in order of preference and distributing the balance, if any, to the persons entitled to it under law.
9. There are costs due this court in the amount of \$ x x x to be paid by Hazel Jones, Petitioner.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:  
(A) The above findings are hereby made a part of the order and decree of this court.

(B) The following property is assigned to Petitioner:

<i>Property</i>	<i>Value</i>
<u>Hometown State Bank NOW Account #12-3456789</u>	<u>\$9,550.00</u>

for the purpose of paying debts in the order of their preference and to distribute the balance, if any, and Petitioner is empowered to collect and sell the property, if necessary.

(C) No Letters of Administration shall be issued in this estate.

A. L. MANN  
*Judge*

(SEAL)

Approved:

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-401; 59-403; 59-1301; 59-2287(a)(2) & (d); 59-2289; S. Ct. Rule No. 111.

*Comment:* If other property is found or if it is found that the value of decedent's property exceeded the statutory limit, an order setting aside refusal to grant letters of administration could be prepared.

257

**PETITION FOR ORDER TERMINATING PROCEEDINGS**

See Form 206, as to: (1) Form,  
(2) Reference, and  
(3) Comment.

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258

**ORDER FOR HEARING**

See Form 518, as to: (1) Form, and  
(2) Time.

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*Reference:* K.S.A. 59-2287; 59-2288; S. Ct. Rule No. 111.

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259

**ORDER TERMINATING PROCEEDINGS**

See Form 208, as to: (1) Form,  
(2) Reference, and  
(3) Comment.

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DESCENT PROCEEDINGS

Title Form No.

Petition for Determination of Descent [and Approval of Valid Settlement Agreement] 301

Order for Hearing 302

Notice of Hearing 303

Affidavit of Service 304

Affidavit of Publication 305

Proceedings for Appointment of Guardians Ad Litem 306

Proceedings Under Soldiers' and Sailors' Civil Relief Act 307

Decree of Descent 308

301

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of } No. 6000

JOE SMITH, Deceased }

(Petition Pursuant to K.S.A. Chapter 59)

PETITION FOR DETERMINATION OF DESCENT  
[AND APPROVAL OF VALID SETTLEMENT AGREEMENT]

COMES NOW Sara Smith, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 1, Hometown, Kansas 66648.
2. Petitioner has an interest in decedent's Estate as the surviving spouse and one of the heirs of Joe Smith, deceased.
3. Joe Smith died at Hometown, Kansas, on July 3, 1986; more than six months have expired since the date of death; at the time of death decedent was a resident of Apache County, Kansas and a citizen of the United States.
4. No petition has been filed for the probate of a Will of decedent nor administration commenced in this state.
5. The names, ages, relationships, residences and addresses of the heirs of the decedent so far as known or can with reasonable diligence be ascertained are:

Name	Age	Relationship	Residence Address	Mailing Address
<u>Sara Smith</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 1, Hometown, KS 66648</u>	<u>Same</u>
<u>Woodrow Smith</u>	<u>Adult</u>	<u>Son</u>	<u>1918 South Broadway, Metropolis, KS 66625</u>	<u>Same</u>
<u>Theodore Smith</u>	<u>Adult</u>	<u>Son</u>	<u>Route 1, Hometown, KS 66648</u>	<u>Same</u>
<u>Eleanor Smith</u>	<u>Adult</u>	<u>Daughter</u>	<u>Route 1, Hometown, KS 66648</u>	<u>Same</u>

6. So far as known or can with reasonable diligence be ascertained the decedent had no spouse, children, issue of deceased children, or other heirs who survived decedent, other than the persons above named.
7. At the time of death the decedent owned the following described real estate situated in Apache County, Kansas:

The East half of the Southeast quarter of Section 35, Township 20 South, Range 30 West, Apache County, Kansas

8. At the time of death the decedent owned the following described personal property:

100 shares of XYZ Corp. Common Stock, Certificate No. 1234.

9. All taxes imposed by the State of Kansas have been paid.

[Alternative 10. The Kansas real estate and all personal property remaining in the hands of the petitioner, after payment of fees, expenses and costs and subject to any lawful disposition previously made, should be assigned and distributed under the laws of intestate succession as follows:

<i>Name</i>	<i>Proportion</i>
<u>Sara Smith</u>	<u>one-half</u>
<u>Woodrow Smith</u>	<u>one-sixth</u>
<u>Theodore Smith</u>	<u>one-sixth</u>
<u>Eleanor Smith</u>	<u>one-sixth</u>

or

[Alternative 10. The instrument dated March 1, 1987, and filed with this petition is a "Valid Settlement Agreement" pursuant to K.S.A. 59-102(8), should be approved and should be construed to distribute the estate as follows:

(a) The Kansas real estate, subject to any lawful disposition previously made should be assigned and distributed as follows:

<i>Name</i>	<i>Proportion</i>
<u>Sara Smith</u>	<u>one-half</u>
<u>Woodrow Smith</u>	<u>one-sixth</u>
<u>Theodore Smith</u>	<u>one-sixth</u>
<u>Eleanor Smith</u>	<u>one-sixth</u>

(b) After the payment of fees, expenses and costs, all of the residue of the estate should be assigned and distributed as follows:

to Sara Smith.]

WHEREFORE, the Petitioner prays the Court fix a time and place for the hearing of this Petition, and provide for giving of notice thereof; the Court, upon hearing as provided by law, [determine the descent of the real estate and personal property hereinbefore described and all other personal property and Kansas real estate owned by Joe Smith at the time of death] [the "Valid Settlement Agreement" be construed]; the Court assign the estate to the persons entitled thereto.

SARA SMITH

*Petitioner*

(V E R I F I C A T I O N)

See Form 503

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-102(8); 59-501 et seq.; 59-2202; 59-2250; S. Ct. Rule No. 111.  
*Time:* After six months from the date of death.  
*Comment:* A valid settlement agreement must be certified as filed before the Inheritance Tax Division will consider the distribution for purposes of computing the inheritance taxes.

302

ORDER FOR HEARING

See Form 553, as to: (1) Form, and  
(2) Time.

*Reference:* K.S.A. 59-2209; 59-2251; S. Ct. Rule No. 111.

303

First published in the Metropolis Herald, Tuesday July 14, 1987.

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of        }  
JOE SMITH, Deceased                        }                        No. 6000

NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by Sara Smith, spouse and one of the heirs of Joe Smith, deceased, praying:

Descent be determined of the following described real estate situated in Apache County, Kansas:

The East half of the Southeast quarter of Section 35, Township 20 South, Range 30 West.

and all personal property and other Kansas real estate owned by decedent at the time of death. And that such property and all personal property and other Kansas real estate owned by the decedent at the time of death be assigned pursuant to [the laws of intestate succession] [the terms of the "Valid Settlement Agreement" dated March 1, 1987].

You are required to file your written defenses thereto on or before August 10, 1987 at 10:00 a.m. in the City of Metropolis in Apache County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the Petition.

SARA SMITH

*Petitioner*

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Tuesdays commencing July 14, 1987. Immediately after the first publication, please forward copies of the above and foregoing Notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas. Immediately after the third publication, make your proof of publication to the District Court, Courthouse, with copy to this office.

*Reference:* 59-2208; 59-2209; 59-2210; 59-2251; S. Ct. Rule No. 111.

*Time:* The Notice of Hearing shall be published once a week for three consecutive weeks with the first publication within 10 days of the Order for Hearing.

*Comment:* When title to real estate is to be assigned by the court the notice of hearing shall be pursuant to K.S.A. 59-2209. When title to real estate is not to be assigned by the court the notice of hearing shall be given or waived as provided in K.S.A. 59-2208 and amendments thereto.

304

#### AFFIDAVIT OF SERVICE

See Form 506, as to: (1) Form, generally (omit the bracketed material)  
(2) Time, and  
(3) Comment.

*Reference:* K.S.A. 59-2208; 59-2209; 59-2211; 59-2251; S. Ct. Rule No. 111.

305

#### AFFIDAVIT OF PUBLICATION

See Form 507, as to: (1) Form,  
(2) Time, and  
(3) Comment.

*Reference:* K.S.A. 59-2209; 59-2211; 59-2222; 59-2251; 64-101; S. Ct. Rule No. 111.



### PROCEEDINGS FOR APPOINTMENT OF GUARDIANS AD LITEM

The forms relating to appointment of Guardians ad litem are in the section containing Testate forms. The pertinent forms are numbered 517 to 521 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
517	Petition for Appointment of Guardian Ad Litem
518	Order for Hearing
519	Order Appointing Guardian Ad Litem
520	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
521	Written Defenses of Guardian Ad Litem

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### PROCEEDINGS UNDER SOLDIERS' & SAILORS' CIVIL RELIEF ACT

The forms relating to proceedings under the Soldiers' and Sailors' Civil Relief Act are in the section containing Testate forms. The pertinent forms are numbered 522 to 527 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
522	Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act
523	Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act
	or
	Petition for Appointment of Attorney to Represent Unknown Persons in Service Pursuant to Soldiers' and Sailors' Civil Relief Act
524	Order for Hearing
525	Order Appointing Attorney to Represent Interests of Person Pursuant to Soldiers' and Sailors' Civil Relief Act
526	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
527	Written Defenses of Attorney Representing Interests of Person Pursuant to Soldiers' and Sailors' Civil Relief Act

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(CAPTION)

### DECREE OF DESCENT

On August 10, 1987, comes on for hearing the Petition for Determination of Descent [and Approval of Valid Settlement Agreement] filed by Sara Smith, widow and one of the heirs of Joe Smith, deceased.

The Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships, residences and addresses of heirs.
2. Notice of this hearing has been given as required by law and the Order of this Court and proof thereof has been duly filed and is hereby approved.
3. The allegations of the Petition are true.
4. The terms and provisions of the Soldiers' and Sailors' Civil Relief Act of 1940,

as amended, have been complied with as to any interested person or persons who are in the service of the United States or its allies.

5. Joe Smith died at Hometown, Kansas, on July 3, 1986; more than six months have expired since the date of death; at the time of death decedent was a resident of Apache County, Kansas and a citizen of the United States.

6. No petition has been filed for the probate of a Will of decedent nor administration commenced in this state.

7. The names, ages, relationships of the heirs who under the laws of intestate succession are entitled to the Estate and their respective proportions are:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Proportion</i>
<u>Sara Smith</u>	<u>Adult</u>	<u>Wife</u>	<u>one-half</u>
<u>Woodrow Smith</u>	<u>Adult</u>	<u>Son</u>	<u>one-sixth</u>
<u>Theodore Smith</u>	<u>Adult</u>	<u>Son</u>	<u>one-sixth</u>
<u>Eleanor Smith</u>	<u>Adult</u>	<u>Daughter</u>	<u>one-sixth</u>

8. The decedent had no spouse or children, issue of deceased children or other heirs who survived decedent, other than the persons above named.

9. At the time of death the decedent owned the following described real estate situated in Apache County, Kansas:

The East half of the Southeast quarter of Section 35, Township 20 South, Range 30 West.

10. At the time of death the decedent owned the following described personal property:

100 shares of XYZ Corp. Common Stock, Certificate No. 1234.

11. All taxes imposed by the State of Kansas have been paid.

[Alternative 12. The Kansas real estate and all personal property of decedent, subject to any lawful disposition previously made, should be assigned and distributed under the laws of intestate succession as follows:

<i>Name</i>	<i>Proportion</i>
<u>Sara Smith</u>	<u>one-half</u>
<u>Woodrow Smith</u>	<u>one-sixth</u>
<u>Theodore Smith</u>	<u>one-sixth</u>
<u>Eleanor Smith</u>	<u>one-sixth</u>

or

[Alternative 12. The instrument dated March 1, 1987, and filed with this petition is a "Valid Settlement Agreement" pursuant to K.S.A. 59-102(8), should be approved and should be construed to distribute the estate as follows:

(a) The Kansas real estate, subject to any lawful disposition previously made should be assigned as follows:

<i>Name</i>	<i>Proportion</i>
<u>Sara Smith</u>	<u>one-half</u>
<u>Woodrow Smith</u>	<u>one-sixth</u>
<u>Theodore Smith</u>	<u>one-sixth</u>
<u>Eleanor Smith</u>	<u>one-sixth</u>

(b) After the payment of fees, expenses and costs, all of the residue of the estate should be assigned and distributed as follows:  
to Sara Smith.]

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the Order and Decree of this Court.

[Alternative (B). The title to all of the interests of Joe Smith, deceased, in and to the real and personal property above described and all other personal property and Kansas real estate owned by the decedent at death on July 3, 1986, descended from decedent to decedent's heirs at law pursuant to the laws of intestate succession in the following proportion:

<i>Name</i>	<i>Proportion</i>
<u>Sara Smith</u>	<u>one-half</u>
<u>Woodrow Smith</u>	<u>one-sixth</u>
<u>Theodore Smith</u>	<u>one-sixth</u>
<u>Eleanor Smith</u>	<u>one-sixth</u>

and the title thereto is assigned to the heirs as of the date of death, subject to any lawful disposition heretofore made.]

or  
[Alternative (B). The instrument dated March 1, 1987, and filed with this petition is a "Valid Settlement Agreement" pursuant to K.S.A. 59-102(8), is approved and is construed to distribute the estate as follows:

(1) The following described real estate situated in Apache County, Kansas:

The East half of the Southeast quarter of Section 35, Township 20 South, Range 30 West.

and all other Kansas real estate owned by the decedent, subject to any lawful disposition previously made is hereby assigned as follows:

<i>Name</i>	<i>Proportion</i>
<u>Sara Smith</u>	<u>one-half</u>
<u>Woodrow Smith</u>	<u>one-sixth</u>
<u>Theodore Smith</u>	<u>one-sixth</u>
<u>Eleanor Smith</u>	<u>one-sixth</u>

(2) After the payment of all fees, expenses and costs all of the residue of the estate, including but not limited to:

100 shares of XYZ Corp. Common Stock, Certificate No. 1234.

is hereby assigned and distributed as follows:  
to Sara Smith.]

A. L. MANN  
*Judge*

(SEAL)

PLEADER, PLEADER & TRYOR

By: W. B. Pleader

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

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*Reference:* K.S.A. 59-102(8); 59-2251; 79-1569; 79-1574; S. Ct. Rule No. 111.

*Time:* At time fixed in notice on adjournment therefrom.

*Comment:* If less than 10 years have elapsed since death of decedent no decree shall be entered until after the determination and payment of inheritance tax, if any.

Federal tax law provides for personal liability of the personal representative until an estate tax closing letter is obtained.

A valid settlement agreement must be certified as filed before the Inheritance Tax Division will consider the distribution for purposes of computing the inheritance taxes.

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INFORMAL ADMINISTRATION ACT

Title

Form No.

Petition for Informal Administration [and to Admit Will to Probate] ... 401

Inventory and Valuation ..... Exhibit A

Listed Debts, Proposed Payments and Proposed Distribution of Assets ..... Exhibit B

Proof of Determination and Payment of Kansas Inheritance Taxes ... Exhibit C

Proposed Construction of Will ..... Exhibit D

Order for Hearing ..... 402

Notice of Hearing ..... 403

Affidavit of Service ..... 404

Affidavit Pursuant to Soldiers' and Sailors Civil Relief Act ..... 405

Bond to Secure Payment of Listed Debts ..... 406

Redelivery Bond ..... 407

Journal Entry Granting Informal Administration and Admitting Will to Probate ..... 408

401

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of }  
SUSAN JOHNSON, Deceased } No. 86-P-001  
(Petition Pursuant to K.S.A. Chapter 59)

PETITION FOR INFORMAL ADMINISTRATION  
[AND TO ADMIT WILL TO PROBATE]

COMES NOW Tom Johnson, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is 1515 E. 15th Street, Hometown, Kansas 66648.
2. Petitioner has an interest in decedent's Estate as an heir, devisee and legatee, and as executor named in the "Last Will and Testament of Susan Johnson", deceased, dated April 15, 1986, a copy of which is attached.
3. Susan Johnson, 1515 E. 15th Street, Hometown, Kansas died testate at Hometown, Kansas, on July 3, 1986, leaving property in this state which is subject to administration; at the time of death, decedent was a resident of Apache County, Kansas, and a citizen of the United States.
4. The names, ages, residences, addresses and relationships of the heirs, devisees and legatees of the decedent and any named fiduciary, so far as known or can with reasonable diligence be ascertained are:

	Name	Age	Relationship	Interest	Residential Address (and Mailing Address)
I.	<u>Tom Johnson</u>	<u>Adult</u>	<u>Husband</u>	<u>Heir, devisee, legatee and named fiduciary</u>	<u>1515 E. 15th Street</u> <u>Hometown, KS 66648</u>
II.	<u>Jim Johnson</u>	<u>Adult</u>	<u>Son</u>	<u>Heir</u>	<u>1212 W. 12th Street</u> <u>Bay City, MO 77612</u>
III.	<u>Jane Johnson</u>	<u>Adult</u>	<u>Daughter</u>	<u>Heir</u>	<u>601 E. Elm Street</u> <u>Smith City, AK 77612</u> <u>(One Bank Tower)</u> <u>(Smith City, AK 77612)</u>

5. The name and address of the person who prepared the Will is:

Name	Address
W. B. Pleader	The Hometown State Bank Building, Hometown, KS 66648

6. An Inventory and Valuation of all the assets of the decedent are listed in a separate document attached to the petition and designated as "Exhibit A".

7. A listing of the debts of the decedent, both paid and unpaid; an estimate of the costs and expenses of informal administration, including reasonable fees; and a statement of those specific moneys belonging to decedent's estate which are proposed to be used to pay unsatisfied debts of the decedent and the expenses of informal administration are listed in a separate document attached to the petition and designated as "Exhibit B".

8. The Kansas Inheritance Tax Return for the Estate has been filed and all taxes shown thereon as due have been paid. A copy of a conditional tax release is attached to the petition and designated as "Exhibit C".

9. The assets of the Estate remaining after the payment of all debts of the decedent, costs and expenses of informal administration and reasonable fees shall be distributed pursuant to the decedent's Last Will and Testament, a copy of which is attached. The proposed construction of the will and specific distribution is set forth in "Exhibit D".

10. Informal administration is appropriate because there are no contested matters, no disagreement among the beneficiaries, no need for administration, and informal administration is in the best interests of all interested parties.

11. Tom Johnson, the Petitioner, should be designated to carry out the orders made by the court and that Tom Johnson be released from all responsibility and liability as the nominated fiduciary.

12. The amount and type of bond or bonds to be given and the person who is to give the bond is as follows:

Name	Type of Bond	Amount
(No surety bond should be required of Tom Johnson because bond is waived by the will.)		
Tom Johnson	Redelivery [pursuant to K.S.A. 59-3304(b)(2)]	\$42,000.00

13. If Informal Administration is denied, simplified administration is requested and Tom Johnson, 1515 East 15th Street, Hometown, Kansas 66648, should be appointed executor.

WHEREFORE, the petitioner prays: Informal Administration be granted; upon proper proof decedent's last will and testament be admitted to probate; all unpaid debts, in order of their preference, and all expenses of informal administration be paid; all assets of the estate remaining after payment of debts and expenses, be assigned to the proper legatees and devisees; the court excuse the giving of surety bond; the court approve redelivery bond in the amount of \$42,200 and thereupon the court release the nominated fiduciary from all responsibilities and liability.

TOM JOHNSON

*Petitioner*

(VERIFICATION)

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, KS 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-2219; 59-2220; 59-3302; 59-3304; 59-3305; S. Ct. Rule No. 111.  
*Time:* If the decedent died testate the petition must be filed within six months after the date of death subject only to the provisions of 59-618a. If decedent died intestate the petition usually will be filed within six months, because after six months a determination of descent proceeding may be used, with or without a valid settlement agreement.

*Comment:* The informal administration forms were drafted based on the following facts: Husband and wife have two adult children, wife dies testate, the will leaves all property to the husband and excuses bond on behalf of the nominated fiduciary who is the husband.

This petition is prepared with its numbered paragraphs drafted to correspond with the numbered requirements of 59-3302(b).

A Closing Letter, Certificate of Non-Taxability, or Conditional Determination from the Department of Revenue would be other methods of proof of determination and payment of Kansas Inheritance Taxes. The Department of Revenue, Inheritance Tax Division, has an affidavit form available for the purpose of obtaining a conditional determination of inheritance tax.

This Petition prays for informal administration and admission of the will to probate. Intestate succession or approval of a valid settlement agreement can be pled and prayed for as an alternative to admission of the will to probate.

If a statutory allowance is requested it should be requested at the end of paragraph nine of the petition and appropriate language should be inserted in the prayer.

A redelivery bond shall run for a period of time beginning with the date of the court's order and continuing until the running of any statute of nonclaims. The bond shall be for the benefit of the heirs, devisees, legatees, trustees, creditors and nominated fiduciary, if any. The redelivery bond shall be in the amount required by K.S.A. 59-3304(b)(2). Bond is required if not waived by the will or excused by K.S.A. 59-1104 or 59-1105.

Alternative relief allowed in K.S.A. 59-3304(1)(B) can be requested and if informal administration is not appropriate K.S.A. 59-3305 sets forth appropriate alternatives.

**EXHIBIT A**

(CAPTION)

**INVENTORY AND VALUATION**

**I. PROBATE ASSETS:  
SCHEDULE "A"**

**REAL ESTATE**

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary as of <u>July 3, 1986</u></i>
1.	The Southeast quarter of Section 10, Township 30 South, Range 10 West of the 6th P.M., Apache County, Kansas, containing 160 acres more or less .....	\$30,000.00
	Total Schedule "A" .....	\$ 30,000.00

SCHEDULE "B"

STOCKS AND BONDS  
(Corporate Stock)

<i>Item No.</i>	<i>Description</i>	<i>Cert. No.</i>	<i>Unit Value</i>	<i>Valuation by Fiduciary as of July 3, 1986</i>
		(NONE)		

BONDS

<i>Item No.</i>	<i>Description</i>	<i>Cert. No.</i>	<i>Unit Value</i>	<i>Valuation by Fiduciary as of July 3, 1986</i>
		(NONE)		

SCHEDULE "C"

MORTGAGES, NOTES AND CASH

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary as of July 3, 1986</i>
1.	Balance in decedent's checking account #123-456, Hometown State Bank, Hometown, Kansas .....	\$ 1,500.00
2.	Decedent's final paycheck and payment for accrued but unused vacation from Smith Insurance Company, Hometown, Kansas ..	\$ 1,600.00
	Total Schedule "C" .....	\$ 3,100.00

SCHEDULE "D"

INSURANCE

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary as of July 3, 1986</i>
	(NONE)	

SCHEDULE "F"

MISCELLANEOUS PROPERTY

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary as of July 3, 1986</i>
1.	One 1986 Honda, 4 dr VIN 1234567890 .....	\$ 9,000.00
2.	Decedent's personal effects and wearing apparel .....	\$ 3,000.00
	Total Schedule "F" .....	\$12,000.00

RECAPITULATION OF PROBATE ASSETS

Schedule "A" Real Estate .....	\$30,000.00
Schedule "B" Stocks & Bonds .....	\$ 0.00
Schedule "C" Mortgages, Notes & Cash .....	\$ 3,100.00
Schedule "D" Insurance .....	\$ 0.00
Schedule "F" Miscellaneous Property .....	\$12,000.00
Total Probate Assets .....	\$45,100.00



II. NONPROBATE ASSETS:  
(For Informational Purposes Only)  
SCHEDULE "E"

JOINTLY OWNED PROPERTY

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary as of July 3, 1986</i>
1.	The residence of the decedent described as Lots 2, 4, 6, 8, and 10, Garden Park Addition, City of Hometown, Apache County, Kansas, owned by Tom Johnson and Susan Johnson as joint tenants with right of survivorship . . . . .	<u>\$60,000.00</u>
	less one-half qualified joint tenancy interest with spouse . . . . .	<u>(\$ 30,000.00)</u>
2.	Hometown State Bank—Certificate of Deposit owned by Tom Johnson and Susan Johnson as joint tenants with right of survivorship.	
<i>Cert. #</i>	<i>Issue date</i>	<i>Maturity date</i>
7201	8-1-80	8-1-87
		<i>Interest last pd.</i>
		6-1-86
		<i>Interest rate</i>
		8% daily comp. on 365/365 basis
		<u>\$50,000.00</u>
Accrued interest to July 3, 1986 (32 days) . . . . .		\$ 351.88
less one-half qualified joint tenancy interest with spouse . . . . .		<u>(\$25,175.94)</u>
Total Schedule "E" . . . . .		<u>\$55,175.94</u>

SCHEDULE "G"

TRANSFERS

<i>Item No.</i>	<i>Description</i>	<i>Cert. No.</i>	<i>Unit Value</i>	<i>Valuation by Fiduciary as of July 3, 1986</i>
		(NONE)		

SCHEDULE "H"

POWERS OF APPOINTMENT

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary as of July 3, 1986</i>
	(NONE)	

SCHEDULE "I"

ANNUITIES

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary as of July 3, 1986</i>
	(NONE)	

RECAPITULATION OF NONPROBATE ASSETS

Schedule "E" Jointly Owned Property . . . . .	<u>\$55,175.94</u>
Schedule "G" Transfers . . . . .	\$ 0.00
Schedule "H" Powers of Appointment . . . . .	\$ 0.00
Schedule "I" Annuities . . . . .	\$ 0.00
Total Nonprobate Assets . . . . .	<u>\$55,175.94</u>

RECAPITULATION OF ALL ASSETS

Total Probate Assets .....	\$ 45,100.00
Total Nonprobate Assets .....	\$ 55,175.94
Total Estate .....	<u>\$100,275.94</u>

AFFIDAVIT OF EXECUTOR

STATE OF KANSAS

COUNTY OF Apache

} ss:

Tom Johnson, being first duly sworn, on oath states:

Tom Johnson is the Executor of the Estate of Susan Johnson, deceased; the above and foregoing is a full, true and correct inventory and valuation of all property of the types and classifications of real and personal property located within the State of Kansas, and intangible personal property, wheresoever located, owned by Susan Johnson, deceased, together with all other property of the decedent not subject to administration of this proceeding but which is required to be reported for Kansas Inheritance Tax purposes, which has come into Executor's possession or of which Executor has knowledge.

Made and returned by Tom Johnson, Executor, of the Estate of Susan Johnson, deceased, as of July 3, 1986, the date of the death of the decedent.

\_\_\_\_\_  
Tom Johnson

*Executor*

SUBSCRIBED AND SWORN to before me on September 4, 1986.

\_\_\_\_\_  
Neva Wright

*Notary Public*

My Appointment Expires:

January 10, 1990

*Reference:* K.S.A. 59-3302.

*Time:* The Inventory and Valuation must be made prior to filing the petition.

*Comment:* The Inventory and Valuation has been prepared to correspond with the schedules in the Federal Estate Tax Return (form 706) and the Kansas Inheritance Tax Forms. Nonprobate assets need not be listed but often are for tax information purposes.

An Inventory and Valuation is necessary in every estate. No independent appraisal shall be made unless a party having an interest in the estate requests one. If an appraisal is requested by a person having an interest in the estate, see the following forms:

610 Report of Appointment and Petition for Approval of Appraiser

611 Order for Hearing

612 Order Appointing Approved Appraiser

613 Certificate of Appraiser

614 Valuation and Independent Appraisal

Accrued interest is the amount of interest earned prior to (and not including) the date of death and not yet paid.

EXHIBIT B  
(CAPTION)

LISTED DEBTS, PROPOSED PAYMENTS  
AND PROPOSED DISTRIBUTION OF ASSETS

1. The debts of the decedent, both paid and unpaid and an estimate of the costs and expenses of informal administration including reasonable fees, in order of preference, are as follows:

Claimants	Status	Class	Amount
a. Funeral Bill Ritz Mortuary, Inc.	<u>Paid by Petitioner</u>	<u>First</u>	<u>\$4,500.00</u>
b. Attorneys Fees Pleader, Pleader & Tryor	<u>Unpaid</u>	<u>Second</u>	<u>\$1,500.00</u>
c. Court Costs and Publication Fees	<u>Unpaid</u>	<u>Second</u>	<u>\$ 200.00</u>
d. Visa Bill	<u>Unpaid</u>	<u>Fourth</u>	<u>\$1,200.00</u>
	<u>TOTAL UNPAID:</u>		<u>\$2,900.00</u>

2. The following is a statement of those specific moneys belonging to decedent's estate which are proposed to be used to pay unsatisfied debts of the decedent and the expenses of informal administration:

Asset	Total Amount	Proposed Use	Total	Balance
a. Balance in decedent's checking Account #123-456, Hometown State Bank, Hometown, Kansas	<u>\$1,500.00</u>	<u>Pay Attorneys fees to Pleader Pleader &amp; Tryor</u>	<u>\$1,500.00</u>	<u>\$ 0.00</u>
b. Decedent's final paycheck and payment for accrued but unused vacation from Smith Insurance Company, Hometown, Kansas	<u>\$1,600.00</u>	<u>Pay Court Costs, Publication Fees and Visa Bill</u>	<u>\$1,400.00</u>	<u>\$200.00</u>
<u>TOTAL</u>	<u>\$3,100.00</u>		<u>\$2,900.00</u>	<u>\$200.00</u>

3. The decedent's Last Will and Testament should be construed to distribute the assets of Susan Johnson, decedent, remaining after the payment of all debts, costs, expenses and fees, as follows:

- a. The Southeast quarter of Section 10, Township 30 south, Range 10 west of the 6th P.M., Apache County, Kansas, containing 160 acres more or less, with a value of \$30,000 to Tom Johnson.
- b. Balance of \$200 remaining from decedent's final paycheck with a value of \$200 to Tom Johnson.
- c. One 1986 Honda 4-door, VIN 1234567890, with a value of \$9000 to Tom Johnson.
- d. Decedent's personal effects and wearing apparel with a value of \$3,000 to Tom Johnson.
- e. All other property, real and personal, owned by decedent at the time of death, to Tom Johnson.

Reference: K.S.A. 59-1301; 59-3302  
Time: At time of filing of petition.

*Comment:* This information may be set forth in the petition, listed in a separate document attached to the petition or, to the extent contained therein, supplied by a copy of the Kansas inheritance tax return attached to the petition.

A person who is not the sole beneficiary of the estate, and who pays debts and expenses of the estate, may seek reimbursement from the estate.

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**EXHIBIT C**  
**PROOF OF DETERMINATION AND**  
**PAYMENT OF KANSAS INHERITANCE TAXES**

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*Reference:* K.S.A. 59-3302(8); 79-1501 et seq; S. Ct. Rule No. 111.

*Time:* Proof of determination and payment of Kansas Inheritance Taxes shall be filed with the petition for informal administration when it is filed.

*Comment:* Proof of determination and payment of Kansas Inheritance Taxes must be obtained by filing appropriate forms with the Inheritance Tax Division of the Kansas Department of Revenue.

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**EXHIBIT D**  
**PROPOSED CONSTRUCTION OF WILL**

The assets of the estate remaining after the payment of all debts of the decedent, costs and expenses of informal administration and reasonable fees should be distributed pursuant to decedent's last will and testament as follows:

<i>Description of Property</i>	<i>Distributee</i>
1. <u>The southeast quarter of Section 10, Township 30 south, Range 10 west of the 6th P.M., Apache County, Kansas, containing 160 acres more or less</u>	<u>Tom Johnson</u>
2. <u>Balance of \$200.00 remaining from decedent's final pay check.</u>	<u>Tom Johnson</u>
3. <u>1986 Honda 4-door, VIN 1234567890.</u>	<u>Tom Johnson</u>
4. <u>Decedent's personal effects and wearing apparel.</u>	<u>Tom Johnson</u>
5. <u>All other property, real and personal owned by decedent at the time of death.</u>	<u>Tom Johnson</u>

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*Reference:* K.S.A. 59-3303(9); S. Ct. Rule No. 111.

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**ORDER FOR HEARING**

On August 10, 1986, the court finds that the Petition for Informal Administration and to [Admit Will to Probate] filed by Tom Johnson, should be heard on September 4, 1986, at ten a.m. in this court; notice of the time and place of hearing be given pursuant to K.S.A. 59-2209.



The Hometown State Bank Building, Hometown, Kansas. Immediately after the third publication, make your proof of publication to the District Court, Courthouse, with copy to this office.

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*Reference:* K.S.A. 59-2208; 59-2209; 59-2210; 59-3303; S. Ct. Rule No. 111.

*Comment:* Publication notice pursuant to K.S.A. 59-2209 is mandatory if real estate is involved, this notice cannot be waived. If no real estate is involved notice is pursuant to 59-2208, and may be waived.

Many publishers of legal notices will not file proof of publication until they have been paid.

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404

(CAPTION)

**AFFIDAVIT OF SERVICE**

See Form 506, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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405

(CAPTION)

**AFFIDAVIT PURSUANT TO SOLDIERS' AND  
SAILORS' CIVIL RELIEF ACT**

See Form 522, as to: (1) Form,  
(2) Reference, and  
(3) Comment.

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406

(CAPTION)

**BOND TO SECURE PAYMENT OF LISTED DEBTS AND EXPENSES**

Know All Persons by These Presents:

We, Tom Johnson as principal and N. M. Hanna as surety, are held and firmly bound to the state of Kansas and the listed claimants of the Estate of Susan Johnson, deceased, in the sum of \$3,625.00, the payment of which we firmly bind ourselves and our personal representatives and their successors.

The condition of the above obligation is that Tom Johnson has been duly appointed by the District Court of Apache County, Kansas, as payer of debts and expenses of the estate of Susan Johnson, deceased. If Tom Johnson shall faithfully discharge all the duties of the trust according to law, this obligation shall be fulfilled.

This Bond shall terminate pursuant to K.S.A. 59-3304(b)(1) and (3).  
Dated and signed by us, this September 4, 1986.

Tom Johnson  
*Principal*  
N. M. Hanna  
*Surety*

STATE OF KANSAS                    }  
COUNTY OF APACHE            } ss:

N. M. Hanna being duly sworn, states I am worth, over and above all liabilities and legal exemptions, the sum of \$3,625.00.

N. M. Hanna

SUBSCRIBED AND SWORN to before me on September 4, 1986.

Neva Wright  
*Notary Public*

(SEAL)  
My Appointment Expires:  
February 19, 1990

The above bond approved by me September 4, 1986.

A. L. Mann  
*Judge*

(SEAL)  
\_\_\_\_\_

*Reference:* K.S.A. 59-1101; 59-1102; 59-3304(b)(1) and (3); S. Ct. Rule No. 111.  
*Comment:* Bond is not required if the nonclaim period has run. For this purpose the nonclaim period would run six months after the date of death if no petition for probate of decedent’s will or administration of decedent’s estate (other than a petition for informal administration) was filed within the six months.  
If the nonclaim period has not run, then the payer of debts must file a bond unless excused by Will, and each distributee must file a bond.  
The bond shall terminate in six months from date of death if no petition for administration is filed or four months from the date of first notice to creditors if a petition for administration is filed within six months.

**REDELIVERY BOND**

Know All Persons by These Presents:  
We, Tom Johnson as principal and N. M. Hanna as surety, are held and firmly bound to the state of Kansas and the heirs, devisees, legatees, trustees, creditors,  

Kansas Judicial Council 8/88

and personal representative of the Estate of Susan Johnson, deceased, in the sum of \$42,200.00, the payment of which we firmly bind ourselves and our personal representatives and their successors.

The condition to this obligation is that if the above-named principal and surety shall refund the sum of \$42,200.00, the fair market value of all property distributed to the principal from the Estate, or so much thereof as may be necessary to satisfy any demands, claims, or needs of the Estate, then this obligation shall be fulfilled.

This Bond shall terminate pursuant to K.S.A. 59-3304(b)(2) and (3).

Dated and signed by us, this September 4, 1986.

Theodore R. Doe

*Principal*

N. M. Hanna

*Surety*

STATE OF KANSAS

COUNTY OF APACHE

} ss:

N. M. Hanna being duly sworn, states I am worth, over and above all liabilities and legal exemptions, the sum of \$42,200.00.

N. M. Hanna

SUBSCRIBED AND SWORN to before me on September 4, 1986.

Neva Wright

*Notary Public*

(SEAL)

My Appointment Expires:

February 19, 1990

The above bond approved by me this September 4, 1986.

A. L. Mann

*Judge*

(SEAL)

*Reference:* K.S.A. 59-1101; 59-1102; 59-3304; S. Ct. Rule No. 111.

*Comment:* Bond must be for value of the property assigned to the distributee.

The bond shall terminate in six months from date of death if no petition for administration is filed or four months from the date of first notice to creditors if a petition for administration is filed within six months.



(CAPTION)

**JOURNAL ENTRY GRANTING INFORMAL ADMINISTRATION  
[AND ADMITTING WILL TO PROBATE]**

On September 4, 1986, comes on for hearing the Petition for Informal Administration [And To Admit Will to Probate] filed by Tom Johnson.

Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships, residences and addresses of heirs, devisees and legatees.

2. Notice of hearing has been given as required by law and the Order of this court and proof thereof has been filed and is approved.

3. The allegations of the Petition are true.

4. Susan Johnson died in Hometown, Kansas on July 3, 1986, a resident of Apache County, Kansas and a citizen of the United States. The capacity of the decedent and the due execution of the Will are proved in accordance with K.S.A. 59-2224. The instrument dated April 15, 1986, filed with the Petition, is the Last Will and Testament of Susan Johnson, deceased.

5. All the terms of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, have been complied with as to any interested person or persons who are in the service of the United States or its allies.

6. The names, ages, residences, addresses and relationships of the heirs, devisees and legatees of the decedent and any named fiduciary, so far as known or can with reasonable diligence be ascertained are:

	<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Interest</i>	<i>Residential Address (and Mailing Address)</i>
I.	Tom Johnson	Adult	Husband	Heir, devisee, legatee and named fiduciary	1515 E. 15th Street Hometown, KS 66648
II.	Jim Johnson	Adult	Son	Heir	1212 W. 12th Street Bay City, MO 77612
III.	Jane Johnson	Adult	Daughter	Heir	601 E. Elm Street Smith City, AK 77612 (One Bank Tower) (Smith City, AK 77612)

7. Informal Administration is appropriate because there are no contested matters and there is no disagreement among the beneficiaries.

8. An Inventory and Valuation of all the assets of the decedent are listed in a separate document attached to the petition and designated as "Exhibit A".

9. A listing of the debts of the decedent, both paid and unpaid; an estimate of the costs and expenses of informal administration, including reasonable fees; and a statement of those specific moneys belonging to decedent's estate which are proposed to be used to pay unsatisfied debts of the decedent and the expenses of informal administration are listed in a separate document attached to the petition and designated as "Exhibit B".

10. The Kansas Inheritance Tax Return for the Estate has been filed and all taxes shown thereon as due have been paid. A copy of a conditional tax release is attached to the petition and designated as "Exhibit C".

11. The assets of the Estate remaining after the payment of all debts of the decedent, costs and expenses of informal administration and reasonable fees shall be distributed pursuant to the decedent's Last Will and Testament as follows:

- a. The Southeast quarter of Section 10, Township 30 south, Range 10 west of the 6th P.M., Apache County, Kansas, containing 160 acres more or less, to Tom Johnson.
- b. Balance of \$200.00 remaining from decedent's final paycheck to Tom Johnson.
- c. One 1986 Honda 4-door, VIN 1234567890, to Tom Johnson.
- d. Decedent's personal effects and wearing apparel to Tom Johnson.
- e. All other property, real and personal, owned by decedent at the time of her death, to Tom Johnson.

12. Tom Johnson, the Petitioner, should be designated to carry out the orders made by the court and Tom Johnson be released from all responsibility and liability as the nominated fiduciary.

13. The amount and type of bond or bonds to be given and the person who is to give the bond is as follows:

Name	Type of Bond	Amount
Tom Johnson	Redelivery [pursuant to K.S.A. 59-3304(b)(2)]	\$42,200.00

The bond has been filed with the court.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

A. The above findings are hereby made a part of the order and decree of this court.

B. The instrument dated April 15, 1986, filed with the Petition is adjudged to be the Last Will and Testament of Susan Johnson, deceased, and is hereby admitted to probate and record.

C. Tom Johnson is designated as the person to pay the debts and expenses of this proceeding, including court costs, without bond, pursuant to the will, and is hereby assigned the following property for that purpose:

Asset	Total Amount	Proposed Use	Total	Balance
1. <u>Balance in decedent's checking Account #123-456, Hometown State Bank, Hometown, Kansas</u>	<u>\$1,500.00</u>	<u>Pay Attorneys fees to Pleader Pleader &amp; Tryor</u>	<u>\$1,500.00</u>	<u>\$ 0.00</u>
2. <u>Decedent's final paycheck and payment for accrued but unused vacation from Smith Insurance Company, Hometown, Kansas</u>	<u>\$1,600.00</u>	<u>Pay Court Costs, Publication Fees and Visa Bill</u>	<u>\$1,400.00</u>	<u>\$200.00</u>
<u>TOTAL:</u>	<u>\$3,100.00</u>		<u>\$2,900.00</u>	<u>\$200.00</u>

D. The assets of Susan Johnson, deceased, remaining after the payment of all debts, expenses, and fees, subject to any lawful disposition heretofore made, are assigned pursuant to the Last Will and Testament of Susan Johnson, deceased, as herein construed, as follows [upon giving of bond by each of the distributees in the amount of property to be assigned to them]:

- 1. The Southeast quarter of Section 10, Township 30 south, Range 10 west of the 6th P.M., Apache County, Kansas, containing 160 acres more or less, to Tom Johnson.
- 2. Balance of \$200.00 remaining from decedent's final paycheck, to Tom Johnson.
- 3. One 1986 Honda 4-door, VIN 1234567890, to Tom Johnson.

- 4. Decedent's personal effects and wearing apparel to Tom Johnson.
- 5. All other property, real and personal, owned by decedent at the time of death, to Tom Johnson.

All real estate is assigned as of the date of death of decedent; all personal property is to be distributed forthwith.

A. L. Mann  
Judge

(SEAL)

Reference: K.S.A. 59-1301; 59-1717; 59-2219; 59-2220; 59-3302; 59-3304; 59-3305; S. Ct. Rule No. 111.

Comment: The court always has the right to consider the reasonableness of the attorney's fees.

For the protection of the principal and the surety receipts showing the payment of creditors and distribution of assets may be filed.

# SUPERVISED TESTATE ADMINISTRATION

<i>Title</i>	<i>Form No.</i>
Last Will and Testament of <u>John Doe</u> .....	501
Consent of Spouse .....	502
Petition for Probate of Will and Issuance of Letters Testamentary [and Determination of a Valid "Consent of Spouse"] .....	503
Preface to Forms 504-516	
Notice Ordered Pursuant to K.S.A. 59-2209:	
Order for Hearing and for Notice to Creditors .....	504
Notice of Hearing and Notice to Creditors .....	505
Affidavit of Service .....	506
Affidavit of Publication .....	507
Notice Ordered by Mail or Otherwise:	
Order for Hearing and for Notice to Creditors .....	508
Notice of Hearing .....	509
Affidavit of Service .....	510
Notice to Creditors .....	511
Affidavit of Publication .....	512
Notice Waived:	
Voluntary Entry of Appearance and Waiver of Notice [and Bond] ...	513
Order for Hearing and Notice to Creditors .....	514
Notice to Creditors .....	515
Affidavit of Publication .....	516
Petition for Appointment of Guardian Ad Litem .....	517
Order for Hearing .....	518
Order Appointing Guardian Ad Litem .....	519
Voluntary Entry of Appearance and Waiver of Notice [and Bond] ...	520
Written Defenses of Guardian Ad Litem .....	521
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act .....	522
Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act .....	523
or	
Petition for Appointment of Attorney to Represent Unknown Persons in Service Pursuant to Soldiers' and Sailors' Civil Relief Act	
Order for Hearing .....	524
Order Appointing Attorney to Represent Interests of Person Pursuant to Soldiers' and Sailors' Civil Relief Act .....	525
Voluntary Entry of Appearance and Waiver of Notice [and Bond] ...	526
Written Defenses of Attorney Representing Interests of Person Pursuant to Soldiers' and Sailors' Civil Relief Act .....	527
Affidavit of Subscribing Witness (Taken Other Than in Court) .....	528
Testimony of Subscribing Witness (Taken in Court) .....	529
Forms Relating to Proof of Will by Issuance of Commission to Take Deposition of Subscribing Witness	
Petition for Issuance of Commission to Take Deposition of Subscribing Witness .....	530
Order for Hearing .....	531
Order for Issuance of Commission .....	532
Commission to Take Deposition .....	533

<i>Title</i>	<i>Form No.</i>
Written Questions Propounded to Subscribing Witnesses .....	534
Commissioner's Certificate to Deposition .....	535
Order Admitting Will to Probate and [Determining Valid "Consent of Spouse"] .....	536
Appointment of Agent by Nonresident Executor .....	537
Acceptance of Appointment as Agent of Nonresident Executor .....	538
Certificate Pursuant to K.S.A. 59-2233 .....	539
Oath of Executor .....	540
Bond .....	541
Letters Testamentary .....	542
Inventory and Valuation .....	543
Certificate of Adviser .....	544
Election to Take by Intestate Succession .....	545
Allowance of Demand .....	546
Statutory Allowances .....	547
Setting Apart of Homestead .....	548
Sale of Personal Property .....	549
Sale of Real Estate .....	550
Valid Settlement Agreement .....	551
Petition for Final Settlement [and Approval of Valid Settlement Agreement] .....	552
Order for Hearing .....	553
Notice of Hearing .....	554
Affidavit of Service .....	555
Affidavit of Publication .....	556
Written Defenses of Guardian Ad Litem .....	557
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act .....	558
Written Defenses of Attorney Representing Interests of Person Pursuant to Soliders' and Sailors' Civil Relief Act .....	559
Journal Entry of Final Settlement .....	560
Receipt .....	561
Journal Entry of Final Discharge .....	562

## 501

### (CAPTION)

#### LAST WILL AND TESTAMENT OF JOHN DOE

No will form is suggested for "John Doe" because the content and format of such document may vary to such extent that it is not feasible to draft a form. In many instances, especially where the nature and situs of the testator's property is widely diversified, and the value thereof substantial, the last will and testament may form but a part of the overall estate plan for the client. The legal scribe of the testator's last will and testament in such cases must be concerned not only with the testator's desires as to distribution of the estate but should be cognizant of, and carefully analyze, all federal and state tax requirements and consequences. Thus, most wills, when properly drafted, are individual and personalized documents, embodying no particular form, except such basic provisions as may be necessary to comply with applicable laws.

John Doe's will provides that Kansas Inheritance Taxes shall be paid by each beneficiary. John Doe's will is self-proved (K.S.A. 59-606 and 59-2224) and provides that the probate assets be distributed as follows:

- (a) Pecuniary bequest in the form of a testamentary trust of \$10,000 to the Hometown State Bank, Hometown, Kansas, Trustee, for the benefit of Henry H. Doe, a minor grandson of the testator and child of the testator's son, Thomas E. Doe, an heir to whom no bequest or devise was made.
- (b) Specific bequest of a stamp collection, having an approximate value of \$1,000, to Mary Ann Jones, a minor granddaughter of the testator.
- (c) Pecuniary bequest of \$10,000 to each of two sons, (Theodore R. Doe and Robert E. Doe), one granddaughter (Mary Ann Jones, who is the daughter of Mary Doe Jones, a prior deceased daughter of testator), and each of two grandsons (David J. Doe and Paul J. Doe, who are sons of Peter J. Doe, a prior deceased son of testator).
- (d) Specific devise of four quarters of real estate, situated in Apache County, Kansas, to the following persons:

The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, to Robert E. Doe (testator's son).

The Northwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, to Theodore R. Doe (testator's son).

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, to Mary Ann Jones (daughter of Mary Doe Jones, a prior deceased daughter of testator).

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, to David J. Doe and Paul J. Doe (sons of Peter J. Doe, a prior deceased son of testator).

- (e) Pecuniary bequest of \$5,000 to The People's Church.
- (f) Residue of estate to Mary J. Doe, wife of the testator, including the following described real estate situated in Apache County, Kansas:

Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less.

- (g) Thomas E. Doe, son of the testator was disinherited by the will.

John Doe's will designated his wife as executor to serve without bond, and included a "consent of spouse".

The will, when probated, necessitated pleadings for which forms 502 to 562 are suggested.

---

502

(CAPTION)

**CONSENT OF SPOUSE**

I, Mary Doe, of legal age, sound mind and free of any restraint or influence, whatsoever, make the following statements and declaration of consent:

I am the wife of John Doe, of Route 1, Hometown, Kansas, who has made and published the attached document dated April 15, 1986, declaring the same to be the

Last Will and Testament of John Doe. I have read the contents of the Last Will and Testament and , with full understanding of its meaning and knowledge of my rights under the laws of Kansas, do hereby give my consent to each of the provisions contained therein.

IN WITNESS WHEREOF I have signed the above Consent of Spouse, April 15, 1986.

Mary Doe

*Spouse*

On April 15, 1986, Mary Doe of Apache County, Kansas, in our presence, signed and declared the foregoing instrument to be the Consent of Spouse, and as witnesses thereof, we do now, at the consenting spouse's request, and in the consenting spouse's presence, and in the presence of each other, subscribe our names.

WITNESSES:

G. O. BACK

CARRY BACK

STATE OF KANSAS

COUNTY OF APACHE

} ss:

Before me the undersigned authority, on this day personally appeared Mary Doe, G. O. Back, and Carry Back, known to me to be the consenting spouse and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and, all of the persons being by me first duly sworn, Mary Doe, declared to me and to the witnesses in my presence that the instrument is her consent of spouse and that she had willingly made and executed it as her free and voluntary act and deed for the purposes therein expressed; and the witnesses, each on their oath stated to me, in the presence and hearing of the consenting spouse, that the consenting spouse had declared to them that the instrument is her consent to the last will and testament of John Doe, and that she executed same as such and wanted each of them to sign it as a witness; and upon their oaths each witness stated further that they did sign the same as witnesses in the presence of each other and in the presence of the consenting spouse and at her request, and that the consenting spouse at that time possessed the rights of majority, was of sound mind and under no restraint.

MARY DOE

G. O. BACK

CARRY BACK

Subscribed, acknowledged and sworn to before me by Mary Doe, and G. O. Back, and Carry Back, witnesses, this April 15, 1986.

NEVA WRIGHT  
Notary Public

(SEAL)  
My Appointment Expires:  
January 10, 1990

Reference: K.S.A. 59-404; 59-602; 59-606; S. Ct. Rule No. 111.  
Comment: The above Consent is not intended to deny the spouse the homestead rights or statutory allowances. If this is the intent of the testator, the Will should so provide.  
Notwithstanding Humphrey v. Wallace, 169 Kan. 59 (1950), the practice of having the witnesses subscribe in the presence of the testator and in the presence of one another, as described in the form, is recommended.

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of        }  
John Doe, Deceased                        }  
(Petition Pursuant to K.S.A. Chapter 59)        No. 5000

PETITION FOR PROBATE OF WILL AND ISSUANCE OF LETTERS  
TESTAMENTARY [AND DETERMINATION OF A  
VALID "CONSENT OF SPOUSE"]

COMES NOW Mary Doe, Petitioner, and alleges:  
1. Petitioner is a resident of Apache County, Kansas, whose address is Route 1, Hometown, Kansas 66648.  
2. Petitioner has an interest in decedent's Estate as an heir, devisee and legatee, and as executor named in the "Last Will and Testament of John Doe", deceased, dated April 15, 1986.  
3. John Doe died testate at Hometown, Kansas, on July 3, 1986; at the time of death decedent was a resident of Apache County, Kansas, and a citizen of the United States.  
4. The names, ages, relationships, residences and addresses of the heirs of the decedent so far as known or can with reasonable diligence be ascertained are:

Name	Age	Relationship	Residence Address	Mailing Address
I. <u>Mary Doe</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 1</u> <u>Hometown, KS 66648</u>	<u>Same</u>
II. <u>Theodore R. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>1220 Main Street</u> <u>Metropolis, KS 66625</u>	<u>Same</u>
III. <u>Robert E. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>P. O. Box 238</u> <u>Kaw City, KS 66600</u>	<u>Serial # 83297336</u> <u>APO, New York, NY</u>
IV. <u>Thomas E. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>Crossroads, AZ 79108</u>	<u>Same</u>



V. <u>Mary Ann Jones</u>	<u>16 yrs</u> <u>born</u> <u>1-15-70</u>	<u>Grand-</u> <u>daughter</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>
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(Mary Ann Jones is the child of Mary Doe Jones, a prior deceased daughter of decedent).

VI. A. <u>David J. Doe</u>	<u>Adult</u>	<u>Grandson</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>
B. <u>Paul J. Doe</u>	<u>Adult</u>	<u>Grandson</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>

(David J. Doe and Paul J. Doe are the children of Peter J. Doe, a prior deceased son of decedent).

5. So far as known or can with reasonable diligence be ascertained decedent had no spouse, children, issue of deceased children or other heirs who survived the decedent other than the persons above named.

6. The written instrument dated April 15, 1986, [including a written instrument disposing of tangible personal property referred to therein] and filed with this petition is the last will and testament of the decedent and is entitled to be admitted to probate. [The written statement or list to dispose of certain tangible personal property pursuant to K.S.A. 59-623 is also admissible.]

7. Administration is not sought under the Kansas Simplified Estates Act.

8. The name, residence and address of the named executor of the Will is:

<i>Name</i>	<i>Residence Address</i>	<i>Mailing Address</i>
<u>Mary Doe</u>	<u>Apache County, KS</u>	<u>Route 1, Hometown, KS</u> <u>66648</u>

9. The name and address of the scrivener of the Will is:

<i>Name</i>	<i>Address</i>
<u>W. B. Pleader</u>	<u>The Hometown State Bank Building, Hometown, KS 66648</u>

10. The names, ages, relationships, residences and addresses of the devisees and legatees so far as known or can with reasonable diligence be ascertained are:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Residence Address</i>	<i>Mailing Address</i>
I. <u>Mary Doe</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 1</u> <u>Hometown, KS 66648</u>	<u>Same</u>
II. <u>Theodore R. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>1220 Main Street</u> <u>Metropolis, KS 66625</u>	<u>Same</u>
III. <u>Robert E. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>P. O. Box 238</u> <u>Kaw City, KS 66600</u>	<u>Serial # 83297336</u> <u>APO, New York, NY</u>
IV. <u>Mary Ann Jones</u>	<u>16 yrs</u> <u>born</u> <u>1-15-70</u>	<u>Grand-</u> <u>daughter</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>

(Mary Ann Jones is the child of Mary Doe Jones, a prior deceased daughter of decedent).

V. <u>Henry H. Doe</u>	<u>6 years</u> <u>born</u> <u>2-19-80</u>	<u>Grandson</u>	<u>Crossroads, AZ 79108</u>	<u>Same</u>
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(Henry H. Doe is the son of Thomas E. Doe, a disinherited son of decedent.)

VI. A. <u>David J. Doe</u>	<u>Adult</u>	<u>Grandson</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>
B. <u>Paul J. Doe</u>	<u>Adult</u>	<u>Grandson</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>

(David J. Doe and Paul J. Doe are the children of Peter J. Doe, a prior deceased son of decedent).

VII. <u>The Hometown State Bank</u>	<u>Trustee</u> <u>desig-</u> <u>nated in</u> <u>decedent's</u> <u>will</u>	<u>Hometown, KS 66648</u>	<u>Same</u>
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VIII. The Peoples Church

Desig-  
nated  
Legatee

Hometown, KS 66648

Same

11. The following heirs, devisees and legatees have a legal disability or are in the military service. The names and addresses of their duly appointed personal representatives, so far as known or can with reasonable diligence be ascertained are:

Heir, Devisee or Legatee's Name	Name of Personal Representative	Representative Capacity	Address of Personal Representative
Robert E. Doe	(personal representative under Soldiers' and Sailors' Civil Relief Act of 1940 not yet appointed)		
Henry H. Doe	(personal representative not yet appointed)		
Mary Ann Jones	Walt Brown	Conservator	2020 W. 20th, Hometown, KS 66666

12. The general character and probable value of decedent's Estate is:

Real estate of the estimated value of \$400,000 with estimated annual income of \$20,000.

Personal property of the estimated value of \$150,000.

13. The appointment of an executor is necessary for the collection, conservation and administration of the Estate; Mary Doe, whose residence and address is Route 1, Hometown, Kansas 66648, is a suitable, competent and qualified person to be granted Letters Testamentary, without bond, as provided by the last will and testament.

14. Mary Doe, spouse of the testator, consented in writing to the last will and testament, as provided by law, which consent is attached hereto and filed herewith.

WHEREFORE, the petitioner prays the instrument offered as decedent's "Last Will and Testament" be admitted to probate and record; Letters Testamentary be granted to petitioner to serve as executor, without bond, and the "Consent of Spouse" filed herein be determined a valid consent.

MARY DOE

Petitioner

VERIFICATION

STATE OF KANSAS

COUNTY OF Apache

} ss:

Mary Doe, of lawful age, being first duly sworn, upon oath states:

I am the petitioner above named; I have read the Petition for Probate of Will and Issuance of Letters Testamentary [and Determination of a Valid "Consent of Spouse"];

I know the content thereof, and all the statements therein made are true.

MARY DOE

Signed and sworn to before me on July 10, 1986 by Mary Doe.

NEVA WRIGHT

*Notary Public*

(SEAL)

My Appointment Expires:

January 10, 1990

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

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*Reference:* K.S.A. 59-501; 59-504; 59-505; 59-506; 59-507; 59-508; 59-509; 59-511; 59-603; 59-616; 59-617; 59-619; 59-704; 59-706; 59-1101; 59-1104; 59-1701; 59-1706; 59-2103; 59-2201; 59-2202; 59-2203; 59-2204; 59-2219; 59-2220; 59-2221; 59-2223; 59-2225; 60-207; 60-1703a(b); 60-2601(b)(1); Kan. Const. Bill of Rights § 17; S. Ct. Rule No. 111.

*Time:* The Petition must be filed within six months after the death of the testator, unless K.S.A. 59-618a applies.

*Comment:* The words "Pursuant to K.S.A. Chapter 59" were inserted after consideration of K.S.A. 60-207, 60-2601(f)(1) and K.S.A. 61-1703a(b).

The Petition should recite the names, ages, relationships and addresses of all heirs, devisees and legatees, irrespective of their entitlement to benefits, so far as known or with reasonable diligence can be ascertained. The list of heirs shall be limited to those who would take under the laws of descent and distribution of the state of residence of the decedent.

If the testator refers in the will to a statement or list to dispose of items of tangible personal property the persons to whom the property is given should be named in the petition as legatees and given notice accordingly throughout the proceedings.

Paragraph 14, the appropriate bracketed portion of the title, and the last portion of the prayer is applicable only when a consent is filed with the will. When the witnesses to the will and to the consent are the same, it is usually more convenient to make the determination of the validity of the consent at the hearing. If the validity of a consent is to be determined, a proper notice is required along with an appropriate allegation and prayer in the petition.

If all heirs, devisees and legatees file a written waiver of bond, pursuant to 59-1104, the petition and prayer of the petition shall so reflect.

If the petitioner is a corporation, see form 1201 for a form of corporate verification.

Letters Testamentary may be granted to a nonresident of the state when the nonresident has appointed a resident agent. K.S.A. 59-1701 permits a bank, savings and loan association or other corporation of a foreign state to serve as a fiduciary in Kansas if the foreign state permits Kansas organizations to serve in a like capacity in the foreign state.

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(Preface to Form 504-516)

Forms 504 to 516 are three complete sets of forms which have been prepared to use in the following situations:

<i>Situation</i>	<i>Forms</i>
Notice to heirs, devisees and legatees is to be published.	504-507
Notice to heirs, devisees and legatees is to be given by mail or other method as the court directs.	508-512
Heirs, devisees and legatees have filed voluntary entries of appearance and waivers of notice.	513-516

In each situation notice to the creditors is by publication.

504

(CAPTION)

ORDER FOR HEARING  
AND FOR NOTICE TO CREDITORS

On July 10, 1986, the Court finds the Petition for Probate of Will and Issuance of Letters Testamentary [and Determination of a Valid "Consent of Spouse"] filed by Mary Doe, should be heard on August 4, 1986, at 10:00 a.m. in this Court; notice of the time and place of hearing be given pursuant to K.S.A. 59-2209 and 59-2210, and notice to creditors be given pursuant to K.S.A. 59-709 and 59-2236.

All instruments required by K.S.A. 59-2209 to be included with the notice shall be served on all interested parties, and the Affidavit of Service shall so reflect, provided however, the petitioner shall be excused from physically attaching to the Affidavit of Service copies of all instruments other than the notice.

IT IS SO ORDERED.

A. L. MANN

Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR  
BY: W. B. PLEADER  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-709; 59-2204; 59-2208; 59-2209; 59-2210; 59-2211; 59-2222; 59-2223 59-2236; S. Ct. Rule No. 111.

*Time:* When the Petition is filed.

*Comment:* Notice by publication is required by K.S.A. 59-2222, unless waived pursuant to K.S.A. 59-2223, or unless otherwise ordered by the Court pursuant to K.S.A. 59-2208. Proof by affidavit of service in all cases requiring notice, whether by publication, mailing, or otherwise, shall be filed before the hearing. If formal notice is waived, see form 513 for appropriate form.

If the petition is filed after the time prescribed by 59-2239 for timely exhibit of creditors claims notice to creditors is not necessary.

While the requirement for a copy of the petition and will to be served with the notice pursuant to K.S.A. 59-2208 and 59-2209 may be excused by court order the standard of full disclosure would seem to require all interested parties receive copies of the petition and will.

505

First published in the Metropolis Herald, Tuesday, July 11, 1986.

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

}

No. 4000

JOHN DOE, Deceased

NOTICE OF HEARING AND NOTICE TO CREDITORS

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that on July 10, 1986, a petition was filed in this Court by Mary Doe, an heir, devisee and legatee, and executor named in the "Last Will and Testament of John Doe," deceased, dated April 15, 1986, praying the will filed with the petition be admitted to probate and record; petitioner be appointed as executor, without bond; petitioner be granted Letters Testamentary, and the "Consent of Spouse", filed herein, be determined a valid consent.

You are required to file your written defenses thereto on or before August 4, 1986, at 10:00 a.m. in the district court, Metropolis, Apache County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the petition.

All creditors are notified to exhibit their demands against the Estate within four months from the date of the first publication of this notice, as provided by law, and if their demands are not thus exhibited, they shall be forever barred.

MARY DOE

*Petitioner*

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Tuesdays commencing July 11, 1986. Immediately after the first publication, please forward \_\_\_\_\_ copies of the above notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas. Immediately after the third publication, make your proof of publication to the District court, Courthouse, with copy to this office.

*Reference:* K.S.A. 59-603; 59-709; 59-2208; 59-2209; 59-2210; 59-2222; 59-2223; 59-2225; 59-2233; 59-2236; 59-2239; S. Ct. Rule No. 111.

*Time:* The Notice of Hearing and Notice to Creditors shall be published once a week for three consecutive weeks with the first publication within ten days of the Order for Hearing and Notice to Creditors.

*Comment:* The validity of a consent may be determined later, but where the witnesses to the will and to the consent are the same, it is usually more convenient to make the determination at the hearing. If the validity of a consent is to be determined, a proper notice is required along with an appropriate allegation and prayer in the petition.

If the Notice required by K.S.A. 59-2222 is waived, the Notice to Creditors shall be published separately. (See form 515)

The nonclaim statute for creditors begins to run with the first publication of the notice. Notice by mail to creditors is not required.

Many publishers of legal notices will not file proof of publication until they have been paid.

506

(CAPTION)

AFFIDAVIT OF SERVICE

STATE OF KANSAS }  
COUNTY OF APACHE } ss:

W. B. Pleader, of lawful age, being first duly sworn, on oath, states:  
I am one of the attorneys for the petitioner. I served a copy of the following:  
1. Notice pursuant to K.S.A. 59-2209 and 59-2211;  
2. Petition for Probate of Will and Issuance of Letters Testamentary [and Determination of a Valid "Consent of Spouse"];  
3. "Last Will and Testament", and  
4. "Consent of Spouse".  
by depositing the same in the United States mail, postage prepaid, on July 16, 1986, and within seven days after the first publication of notice, addressed to each of the following persons:

Name	Address
(List each heir, devisee and legatee or guardian and ward or conservator and conservatee or guardian ad litem, as the case may be, whose name and address is known. See Paragraph 1 of Comment.)	

such persons being all the heirs, devisees and legatees of John Doe, deceased, all guardians and conservators thereof, and guardians ad litem, whose names and addresses are known to the petitioner or to this affiant.

I also served a copy of the notice, pursuant to K.S.A. 59-709 and 59-2236, to each of the following:

Name	Address	Date Served
(List all creditors whose names and addresses have been ascertained. See Paragraphs 2, 3 and 4 of Comment.)		

being all the known or reasonably ascertainable creditors, whose names and addresses are known to the petitioner or to this affiant. Notice was served by depositing the same in the United States mail, postage prepaid.

\_\_\_\_\_  
W. B. Pleader

Signed and Sworn to Before me July 20, 1986.

\_\_\_\_\_  
Neva Wright  
Notary Public

(SEAL)

My Appointment Expires:

January 10, 1990

*Reference:* K.S.A. 59-2209; 59-2211; 59-2236; S. Ct. Rule No. 111.

*Time:* The affidavit of service must be filed on or before the date of the hearing.

*Comment:* "Within seven days after the first published notice the petitioner shall mail or cause to be mailed, postage prepaid, a copy of the notice to each heir, devisee and legatee or guardian and ward, conservator and conservatee or guardian ad litem, as the case may be, other than the petitioner, whose name and address is known to the petitioner. A copy of the petition, any attachments to it and, when applicable, a copy of the will, accounting and settlement agreement shall be included with the notice, unless excused by court order."

The U.S. Supreme Court opinion, decided April 19, 1988, in *Tulsa Professional Collection Services, Inc. v. Pope*, 45 U.S. \_\_\_\_\_, 108 S.Ct. 1340, 99 L.Ed.2d 565 (1988) held that if a creditor's identify is "known or reasonably ascertainable", the due process clause of the fourteenth amendment requires that the creditor be given notice by mail or such other means as is certain to ensure actual notice. This requires the personal representative for the estate to "reasonably ascertain" the names and addresses of creditors and give notice beyond the publication notice now required by K.S.A. 59-709 and 59-2236. Proof of the service of such notice can, and should where possible, be included in the affidavit of service, form 506.

When the identify of a creditor is ascertained after the affidavit of service has been filed as required by K.S.A. 59-2209 and 59-2211, prompt and timely service of notice to creditors should be given.

A separate affidavit of service may be filed or a statement of service of notice may be made in the petition for final settlement.

507

### AFFIDAVIT OF PUBLICATION

STATE OF KANSAS

COUNTY OF APACHE

} ss:

Horace Greeley, being first duly sworn, deposes and says:

Horace Greeley is the owner and publisher of Metropolis Herald, a daily newspaper printed in the State of Kansas, and published in and of general circulation in Apache County, Kansas, and the newspaper is not a trade, religious or fraternal publication.





provided however, the petitioner shall be excused from physically attaching to the Affidavit of Service copies of all instruments other than the notice.

It is So Ordered.

A. L. MANN

*Judge*

(SEAL)

Submitted by:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-709; 59-2204; 59-2208; 59-2210; 59-2222; 59-2223; 59-2236; S. Ct. Rule No. 111.

*Time:* When the Petition is filed.

*Comment:* Notice by Publication is required by K.S.A. 59-2222, unless waived pursuant to K.S.A. 59-2223, or unless otherwise ordered by the Court pursuant to K.S.A. 59-2208. If formal notice is waived, see form 113 for appropriate form.

If the Petition is filed after the time prescribed by 59-2239 for timely exhibit of creditors claims notice to creditors is not necessary.

509

(CAPTION)

### NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that on July 10, 1986, a Petition was filed in this Court by Mary Doe, an heir, devisee and legatee, and executor named in the "Last Will and Testament of John Doe," deceased, dated April 15, 1986, praying the Will filed with the Petition be admitted to probate and record; Petitioner be appointed as Executor, without bond; Petitioner be granted Letters Testamentary, and the "Consent of Spouse", filed herein, be determined a valid consent.

You are required to file your written defenses thereto on or before August 4, 1986, at 10:00 a.m., in the district court, Apache County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgement and decree will be entered in due course upon the Petition.

Mary Doe

*Petitioner*

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, KS 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-603; 59-709; 59-2208; 59-2210; 59-2222; 59-2223; 59-2225; 59-2233; 59-2236; S. Ct. Rule No. 111.

*Time:* As set forth in the Order.

*Comment:* This form of notice is a mail, not publication, notice pursuant to the order of the court as set out in form 508.

Separate notice to creditors must be published.

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510

**AFFIDAVIT OF SERVICE**

See Form 506, as to: (1) Form,  
(2) Reference, and  
(3) Time.

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*Comment:* The Affidavit of Service shall reflect notice was given in the manner ordered by the court.

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511

First published in the Metropolis Herald, Friday, July 11, 1986.

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

JOHN DOE, Deceased

}

No. 4000

**NOTICE TO CREDITORS**

**TO ALL PERSONS CONCERNED:**

You are hereby notified that on July 10, 1986, a Petition for Probate of Will and Issuance of Letters Testamentary [and Determination of Valid "Consent of Spouse"] was filed in this Court by Mary Doe, an heir, devisee and legatee, and Executor named in the "Last Will and Testament of John Doe", deceased.

All creditors of the decedent are notified to exhibit their demands against the Estate within four months from the date of the first publication of this notice, as provided by law, and if their demands are not thus exhibited, they shall be forever barred.

Mary Doe

*Petitioner*

**PLEADER, PLEADER & TRYOR**

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

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TO THE PUBLISHER: Please publish for three consecutive Fridays commencing on the July 11, 1986. Immediately after the third publication, make your proof of publication to the District Court, Courthouse, with copy to this office.

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*Reference:* K.S.A. 59-709; 59-2236.

*Time:* Only in the event notice required pursuant to K.S.A. 59-2222 is waived or ordered by the court to be given pursuant to 59-2208, will a separate notice to creditors be published and only in that event will this form be used. When this form is used the notice shall be published for three weeks beginning within ten days after filing the petition.

*Comment:* The nonclaim statute for creditors begins to run with the first publication of the notice. Notice by mail to creditors is not required.

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512

**AFFIDAVIT OF PUBLICATION**

See Form 507, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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**BEFORE USING FORMS 513-516  
SEE THE PREFACE TO FORMS 504-516**

513

(CAPTION)

**VOLUNTARY ENTRY OF APPEARANCE AND  
WAIVER OF NOTICE [AND BOND]**

COMES NOW Theodore R. Doe whose address and residence is 1220 Main Street, Metropolis, Kansas 66625, an heir and devisee of John Doe, deceased, and enters appearance herein, waives notice of hearing on the Petition for Probate of Will and Issuance of Letters Testamentary [and Determination of Valid "Consent of Spouse"] filed by Mary Doe, acknowledges that copies of the Petition and Will have been received, and consents that the Petition may be set for immediate hearing without further notice pursuant to K.S.A. 59-2223 [and waives the requirement of bond pursuant to K.S.A. 59-1401].

Dated and signed July 11, 1986.

Theodore R. Doe

STATE OF KANSAS }  
COUNTY OF APACHE } ss:

The foregoing instrument was acknowledged before me July 11, 1986, by Theodore R. Doe.

Neva Wright

*Notary Public*

(SEAL)

My Appointment Expires:

January 10, 1990

*Reference:* K.S.A. 59-1101; 59-1104; 59-2208; 59-2222; 59-2223; S. Ct. Rule No. 111.

*Time:* At or before the hearing on the Petition.

*Comment:* Unless waived pursuant to K.S.A. 59-2223, or unless otherwise ordered by the Court pursuant to K.S.A. 59-2208, Notice of Publication is required by K.S.A. 59-2222.

If the requirement of bond is to be waived, along with the requirement of notice, include the appropriate bracketed material in the title and in the body of the form.

Forms relating to waivers by guardian ad litem and by attorney under the Soldiers' and Sailors' Civil Relief Act are found at form 520 and form 526 respectively.

If the petition is filed after the period of time prescribed by 59-2239 for timely exhibit of creditors claims notice to creditors is not necessary.

514

(CAPTION)

#### ORDER FOR HEARING AND NOTICE TO CREDITORS

On July 15, 1986, the Court finds Voluntary Entries of Appearance and Waivers of Notice have been entered by all parties interested; the Petition for Probate of Will and Issuance of Letters Testamentary [and Determination of Valid "Consent of Spouse"] filed by Mary Doe, should be set for immediate hearing; notice of the time and place of hearing by publication or otherwise is not necessary or required by law; and Notice to Creditors shall be given pursuant to K.S.A. 59-709 and 59-2236.

IT IS SO ORDERED.

A. L. Mann

*Judge*

(SEAL)

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-709; 59-2204; 59-2208; 59-2222; 59-2223; 59-2236; S. Ct. Rule No. 111.

*Time:* When the Petition is filed.

*Comment:* Unless waived pursuant to K.S.A. 59-2223, or unless otherwise ordered by the Court pursuant to K.S.A. 59-2208, Notice of Hearing by publication is required by K.S.A. 59-2222.

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515

NOTICE TO CREDITORS

See Form 511, as to: (1) Form,  
(2) Reference, and  
(3) Time.

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*Comment:* This form will be used when notice of the hearing has been waived by heirs, devisees and legatees.

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516

AFFIDAVIT OF PUBLICATION

See Form 507, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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517

(CAPTION)

PETITION FOR APPOINTMENT OF GUARDIAN AD LITEM

COMES NOW Mary Doe, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, and petitioner's address is Route 1, Hometown, Kansas 66648.

2. Petitioner has an interest in decedent's Estate as an heir, devisee and legatee, and as Executor named in the "Last Will and Testament of John Doe", deceased, dated April 15, 1986.

3. Henry H. Doe, now residing at Crossroads, Arizona 79108, being six years of age (born February 19, 1980), is the minor child of Thomas E. Doe, and has an interest in decedent's Estate as designated beneficiary of a testamentary trust provided by decedent's last will and testament.

4. Henry H. Doe does not have a legally appointed Conservator.

5. A Guardian ad litem should be appointed to represent Henry H. Doe, a minor, throughout all proceedings in the administration of decedent's Estate.

WHEREFORE, Petitioner prays the Court appoint M. R. Docket Guardian ad litem to represent Henry H. Doe, a minor, throughout all proceedings in the administration of decedent's Estate.

(VERIFICATION)

See Form 103 for Verification)

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

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*Reference:* K.S.A. 59-2201; 59-2202; 59-2205; S. C. Rule No. 111.  
*Time:* The Petition may be filed at anytime prior to the hearing.  
*Comment:* When any legal disability exists, the appointment of a guardian ad litem is discretionary and is unnecessary in merely formal matters. If a contest is imminent or substantial rights are affected, a guardian ad litem should be appointed. When a guardian ad litem is appointed in a decedent's Estate, it is usually desirable to have the appointment cover all further proceedings in the Estate and to give the guardian ad litem notice of all proceedings thereafter.  
The Petition for Appointment of Guardian Ad Litem and the Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act may be combined. Likewise, Orders for Hearing, Orders Appointing and Written Defenses may be combined.

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518

(CAPTION)

ORDER FOR HEARING

On July 10, 1986, the Court finds the Petition for Appointment of Guardian Ad Litem filed by Mary Doe, should be set for immediate hearing, and notice of the time and place of hearing by publication or otherwise is not necessary or required by law.  
It is So Ordered.

A. L. Mann  
\_\_\_\_\_  
*Judge*

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR  
BY: W. B. PLEADER  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

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*Reference:* K.S.A. 59-2204; 59-2208; S. Ct. Rule No. 111.  
*Time:* The Petition must be set for hearing, but may be heard immediately, unless the Court requires notice.

*Comment:* This Order and the Order for Hearing on Petition for Appointment of Attorney to Represent Interests of Person Pursuant to Soldiers' and Sailors' Civil Relief Act may be combined in a single document. Likewise, Petitions for Appointment, Orders Appointing and Written Defenses may be combined.

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519

(CAPTION)

**ORDER APPOINTING GUARDIAN AD LITEM**

On July 10, 1986, comes on for hearing the Petition for Appointment of Guardian Ad Litem for Henry H. Doe who has an interest in decedent's Estate.

Petitioner appears by attorneys Pleader, Pleader and Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of the time and place of hearing is not necessary or required by law.
2. The allegations of the Petition are true.
3. Henry H. Doe is a minor and has an interest in decedent's Estate.
4. Henry H. Doe does not have a legally appointed Conservator.
5. A Guardian ad litem should be appointed to represent Henry H. Doe, a minor, throughout all proceedings in the administration of decedent's Estate.
6. M. R. Docket, attorney, Metropolis, Kansas, is a suitable person to be appointed Guardian ad litem.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this court.

(B) M. R. Docket is hereby appointed Guardian ad litem to represent Henry H. Doe, a minor, throughout all proceedings had in the administration of decedent's Estate.

A. L. Mann

*Judge*

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. Pleader

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

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*Reference:* K.S.A. 59-2205; S. Ct. Rule No. 111.

*Time:* The Order will be granted whenever facts sufficient to justify appointment are brought to the attention of the Court.

*Comment:* The appointment of a guardian ad litem is discretionary and is unnecessary in merely formal matters. If a contest is imminent or substantial rights are affected a guardian ad litem should be appointed. When a guardian ad litem is appointed

in a decedent's estate, it is usually desirable to have the appointment cover all further proceedings in the estate and to give the guardian ad litem notice of all proceedings thereafter.

The Order Appointing Guardian Ad Litem and the Order Appointing Attorney to Represent Interests of Person Pursuant to Soldiers' and Sailors Civil Relief Act may be combined. Likewise, Petitions for Appointment, Orders for Hearing and Written Defenses may be combined.

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520

(CAPTION)

**VOLUNTARY ENTRY OF APPEARANCE AND  
WAIVER OF NOTICE [AND BOND]**

See Form 513, as to: (1) Form,  
                              (2) Reference, and  
                              (3) Time.

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*Comment:* This form may be used if it is desirable for the guardian ad litem to make the waivers allowed under 59-2223. If that is not the case, this form should be omitted.

A person entering appearance and waiving notice on his or her own behalf should see form 513.

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521

(CAPTION)

**WRITTEN DEFENSES OF GUARDIAN AD LITEM**

COMES NOW M. R. Docket, Guardian ad litem for Henry H. Doe, a minor, and for defense on behalf of Henry H. Doe to the Petition for Probate of Will and Issuance of Letters Testamentary [and Determination of a Valid "Consent of Spouse"], denies each, every, all and singular, the allegations of the Petition which are adverse to the interests of Henry H. Doe.

M. R. Docket  
*Guardian Ad Litem*

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*Reference:* K.S.A. 59-2205; S. Ct. Rules No. 111 and 143.  
*Time:* At or before the hearing upon the Petition.

*Comment:* If a written defense is filed that raises an actual controversy see S. Ct. Rule No. 143. The written defenses of the guardian ad litem and the Written Defense of the Attorney Representing Interests of Person Pursuant to Soldiers' and Sailors' Civil Relief Act may be combined. Likewise, Petitions for Appointment, Orders for Hearing and Orders Appointing may be combined.



(CAPTION)

**AFFIDAVIT PURSUANT TO SOLDIERS'  
AND SAILORS' CIVIL RELIEF ACT**

STATE OF KANSAS

COUNTY OF APACHE

} ss:

Mary Doe, being first duly sworn, on oath, states:

No person interested as an heir, devisee and legatee of the Estate of John Doe, deceased, is now or has been, within any of the limitations of time specified therein, a member of any branch of the service of the United States or its allies, within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

Mary Doe

SUBSCRIBED AND SWORN To before me this July 10, 1986.

Neva Wright

*Notary Public*

(SEAL)

My Appointment Expires:

January 10, 1990

*Reference:* Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C. 501 et. seq; Military Selective Service Act of 1967, 50 U.S.C. 464; S. Ct. Rule No. 111.

*Comment:* This Affidavit should be filed on the date of the hearing if, at that time, the averments are correct. If not, see form 523, Petition for Appointment of an Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act, or Petition for Appointment of Attorney to Represent Unknown Persons in Service Pursuant to Soldiers' and Sailors' Civil Relief Act.

(CAPTION)

**PETITION FOR APPOINTMENT OF ATTORNEY PURSUANT TO  
SOLDIERS' AND SAILORS' CIVIL RELIEF ACT**

COMES NOW Mary Doe by attorneys Pleader, Pleader and Tryor, and alleges:

1. Robert E. Doe, an heir and legatee named in the "Last Will and Testament of John Doe", deceased, is the only person interested in the decedent's Estate, who is currently in the service of the United States or its allies, within any of the limitations of time specified therein, within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

2. An attorney should be appointed to represent Robert E. Doe throughout all proceedings in the administration of the decedent's Estate, so long as Robert E. Doe remains in the service of the United States or its allies, within the purview of the above Act.

OR  
PETITION FOR APPOINTMENT OF ATTORNEY  
TO REPRESENT UNKNOWN PERSONS IN SERVICE  
PURSUANT TO THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT

COMES NOW Mary Doe by attorneys Pleader, Pleader and Tryor, and alleges:

1. Petitioner, after diligent investigation, is unable to ascertain if any heir, devisee or legatee of the decedent is currently in the service of the United States or its allies, within any of the limitations of time specified therein, within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

2. An attorney should be appointed to represent any unknown persons in the service interested in the Estate of the decedent throughout all proceedings in the administration of this Estate.

WHEREFORE, Petitioner prays that an attorney be appointed to represent the interests of (Robert E. Doe) (any unknown persons in the service) throughout all proceedings in the administration of decedent's Estate.

Pleader, Pleader and Tryor

BY: W. B. PLEADER  
Attorneys for Petitioner

(VERIFICATION)  
(See Form 103 for Verification)

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

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*Reference:* K.S.A. 59-2201; Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C. 501, et. seq; Military Selective Service Act of 1967, 50 U.S.C. 464; S. Ct. Rule No. 111.

*Time:* Whenever facts sufficient to justify the appointment are brought to the attention of the Court.

*Comment:* This Petition is required if interested persons are known to be in the service, or in the alternative, if it is unknown whether any interested persons are in the service.

The allegations of this Petition are controlled by the Soldiers' and Sailors' Civil Relief Act of 1940, and not by the Probate Code.

If no interested party is in the service, an Affidavit Pursuant to the Soldiers' and Sailors' Civil Relief Act is required. See form 522.

This Petition and the Petition for Appointment of Guardian Ad Litem may be combined. Orders for Hearing, Written Defenses and Orders for Appointment may be combined.

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## ORDER FOR HEARING

See Form 518, as to: (1) Form,  
 (2) Reference,  
 (3) Time, and  
 (4) Comment.

(CAPTION)

**ORDER APPOINTING ATTORNEY TO REPRESENT  
 INTERESTS OF PERSON PURSUANT  
 TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT**

On July 10, 1986, comes on for hearing the Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act.

Petitioner appears by attorneys Pleader, Pleader and Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of the time and place of hearing is not necessary or required by law.
2. The allegations of the Petition are true.
3. Robert E. Doe, an heir and legatee named in the "Last Will and Testament of the John Doe", deceased, is the only person interested in the decedent's Estate, who is currently in the service of the United States or its allies, within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

4. An attorney should be appointed to represent Robert E. Doe throughout all proceedings in the administration of the decedent's Estate, so long as Robert E. Doe remains in the service of the United States or its allies, within the purview of the above Act.

5. U. B. Brief, attorney, Metropolis, Kansas 66625, is a suitable person to be appointed as the attorney.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) U. B. Brief, is hereby appointed attorney to represent the interests of Robert E Doe, throughout all proceedings in the administration of decedent's Estate, so long as Robert E. Doe remains in the service of the United States or its allies, within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

A. L. Mann

*Judge*

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

Kansas Judicial Council 8/88

Reference: Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C. 501, et. seq;  
Military Selective Service Act of 1967, 50 U.S.C. 464; S. Ct. Rule No. 111.

Time: Whenever facts sufficient to justify the Appointment are brought to the attention of the Court.

Comment: If the Petition is for the appointment of an attorney to represent unknown persons in the service, the order should recite, as the Court's findings, the allegations in paragraphs one and two in the last portion of form 523. The order appointing should confirm these findings.

If no interested party is in the service an affidavit is required pursuant to Soldiers' and Sailors' Civil Relief Act of 1940. See form 522.

This Order and the Order for Appointment of Guardian Ad Litem may be combined. Petitions for Appointment, Orders for Hearing and Written Defenses may be combined.

526

(CAPTION)

VOLUNTARY ENTRY OF APPEARANCE AND  
WAIVER OF NOTICE [AND BOND]

See Form 513, as to form.

Reference: K.S.A. 59-2208; 59-2222; 59-2223; S. Ct. Rule No. 111.

Time: At or before the hearing on the Petition.

Comment: This form may be used if it is desirable for the attorney representing interests of person pursuant to the Soldiers' and Sailors' Civil Relief Act to make the waivers allowed under 59-2223. If that is not the case this form should be omitted.

527

(CAPTION)

WRITTEN DEFENSES OF ATTORNEY REPRESENTING  
INTERESTS OF PERSON PURSUANT TO  
SOLDIERS' AND SAILORS' CIVIL RELIEF ACT

COMES NOW U. B. Brief, attorney for (Robert E. Doe, currently in the service) (any unknown persons in the service), within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for defense to the Petition for Probate of Will and Issuance of Letters Testamentary [and Determination of Valid "Consent of Spouse"], denies each, every, all and singular, the allegations of the Petition which are adverse to the interests of (Robert E. Doe) (any unknown person in the service).

U. B. Brief  
Attorney for (Robert E. Doe)  
(any unknown person in service)

Reference: S. Ct. Rules No. 111 and 143.

Time: At or before the hearing on the Petition.

Comment: If a written defense is filed that raises an actual controversy see S. Ct. Rule No. 143.

(CAPTION)

**AFFIDAVIT OF SUBSCRIBING WITNESS**  
(Taken Other Than in Court)

STATE OF KANSAS

} ss:

COUNTY OF APACHE

G. O. Back, of lawful age, being first duly sworn, on oath, states:

This Affidavit is made with reference to the Petition for Probate of the Will and Issuance of Letters Testamentary [and Determination of Valid Consent of Spouse"] in the estate of John Doe, deceased.

I am a competent witness and was present at the execution of the instrument now before me, bearing the date of April 15, 1986, and designated as "Last Will and Testament of John Doe". At that time, the testator signed and declared the instrument to be the testator's Last Will and Testament, and in my presence and in the presence of Carry Back, the other subscribing witness. I subscribed my name thereto as a witness, at the request of the testator, in testator's presence and in the presence of the other subscribing witness. The subscribing witnesses signed their names in the presence of the testator. At the time of the execution of the "Last Will and Testament of John Doe," testator, was of legal age, of sound mind and memory and not under any restraint.

I was also present at the execution of the "Consent of Spouse" to the "Last Will and Testament of John Doe." At that time Mary Doe signed the instrument and declared it to be valid, in my presence and in the presence of Carry Back, the other subscribing witness. I subscribed my name thereto as a witness at the request of Mary Doe, in her presence, and in the presence of the other subscribing witness. The subscribing witnesses signed their names in the presence of Mary Doe. At the time of the execution of the consent Mary Doe was of legal age, of sound mind and memory and not under any restraint.

G. O. Back

AFFIANT

SUBSCRIBED AND SWORN *to before me this* July 11, 1986.

Neva Wright

Notary Public

(SEAL)

My Appointment Expires:

January 10, 1990

*Reference:* K.S.A. 59-601; 59-606; 59-2208; 59-2212; 59-2224; S. Ct. Rule No. 111.

*Time:* Affidavit can be filed before or on date of hearing.

*Comment:* This affidavit may be used in cases in which the will is not self-proving. The fourth paragraph of the affidavit should only be used if a consent of spouse is involved.

Notwithstanding Humphrey v. Wallace, 169 Kan. 59 (1950), the practice of having the witnesses subscribe in the presence of the testator and in the presence of one another, as described in the form, is recommended.

## (CAPTION)

TESTIMONY OF SUBSCRIBING WITNESS  
(Taken in Court)

G. O. Back, being called as a witness for the petitioner on the Petition for Probate of the Will and Issuance of Letters Testamentary [and Determination of Valid "Consent of Spouse"] in the Estate of of John Doe, deceased, being first duly sworn, testified on oath as follows:

I was present at the execution of the instrument now before me, bearing the date of April 15, 1986, and designated as "Last Will and Testament of John Doe," deceased. At that time, John Doe signed the instrument and declared it to be testator's Last Will and Testament, in my presence and in the presence of Carry Back the other subscribing witness. I subscribed my name thereto as a witness at the request of the testator, in testator's presence and in the presence of the other subscribing witness above named. The subscribing witnesses signed their names in the presence of the testator and in the presence of each other. At the time of the execution of the "Last Will and Testament of John Doe," testator was of legal age, of sound mind and memory and not under any restraint.

I was also present at the execution of the consent to the "Last Will and Testament of John Doe." At that time Mary Doe signed the instrument and declared it to be valid, in my presence. I subscribed my name thereto as a witness, at the request of, Mary Doe, in her presence and in the presence of the other subscribing witness above named. The subscribing witnesses signed their names in the presence of Mary Doe and in the presence of each other. At the time of the execution of the consent Mary Doe was of legal age, of sound mind and memory and not under any restraint.

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*Witness*

The above testimony was taken in open court and reduced to writing in narrative form and subscribed and sworn to before me \_\_\_\_\_, 19\_\_\_\_.

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*Judge*

(SEAL)

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*Reference:* K.S.A. 59-601; 50-602; 59-606; 59-2208; 59-2212; 59-2224; S. Ct. Rule No. 111.

*Comment:* The testimony of subscribing witness taken in open court is seldom, if ever, used because of the wide use of self-proving wills and the procedure of filing affidavits by subscribing witnesses. The form is included because the statutes still allow its use.

The third paragraph should be used only if the consent of spouse is involved.

Notwithstanding Humphrey v. Wallace, 169 Kan. 59 (1950), the practice of having the witnesses subscribe in the presence of the testator and in the presence of one another, as described in the form, is recommended.

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FORMS RELATING TO PROOF OF WILL BY ISSUANCE OF  
COMMISSION TO TAKE DEPOSITION OF SUBSCRIBING WITNESS

530

(CAPTION)

PETITION FOR ISSUANCE OF COMMISSION TO TAKE  
DEPOSITION OF SUBSCRIBING WITNESS

COMES NOW Mary Doe by attorneys, Pleader, Pleader and Tryor, and alleges:

1. G. O. Back, one of the subscribing witnesses to the decedent's Last Will and Testament and "Consent of Spouse", is a nonresident of this county and state; G. O. Back currently resides in Frontier County, Wyoming, at Route 1, Rock Ledge, Wyoming 98440.

2. The attendance and testimony of the witness cannot be secured in this county.

WHEREFORE, Petitioner prays for the issuance of a Commission to a qualified officer to take the testimony of the witness by deposition.

Pleader, Pleader & Tryor

BY: W. B. PLEADER

*Attorneys for Petitioner*

(VERIFICATION)

(See Form 103 for Verification)

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

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*Reference:* K.S.A. 59-2202; 59-2212; 59-2224; S. Ct. Rule No. 111.

*Time:* This Petition should be filed with the Petition for Probate of Will and Issuance of Letters Testamentary [and Determination of a Valid "Consent of Spouse"], allowing ample time for the deposition to be taken and returned before the hearing.

*Comment:* This form and the commission procedure usually will not be used when local witnesses are available who can testify to the testator's handwriting or when the Will can be proved in another manner as provided in K.S.A. 59-2224.

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531

(CAPTION)

ORDER FOR HEARING

See Form 518, as to: (1) Form,

(2) Reference

(3) Time, and

(4) Comment.

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(CAPTION)

## ORDER FOR ISSUANCE OF COMMISSION

On July 11, 1986, comes on hearing the Petition for Issuance of Commission to Take Deposition of Subscribing Witness.

The Petitioner appears by attorneys Pleader, Pleader and Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of the time and place of hearing is not necessary or required by law.
2. The allegations of the Petition are true.
3. G. O. Back, one of the subscribing witnesses to the "Last Will and Testament of John Doe," deceased, and also to the "Consent of Spouse" thereto, is a nonresident, whose attendance and testimony cannot be secured in this county.

4. That G. O. Back now resides at Route 1, Rock Ledge, Frontier County, Wyoming 98440.

5. It is necessary to procure the testimony of the subscribing witness outside this county and that a Commission be issued to some qualified person for that purpose.

6. F. F. Hatfield, Probate Judge of Frontier County, Wyoming, is a qualified officer of that county and state and is a proper person to be issued such Commission.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) A Commission be issued to F. F. Hatfield, Probate Judge of Frontier County, Wyoming, to take the deposition of G. O. Back, a subscribing witness to the "Last Will and Testament of John Doe", deceased, and also to the "Consent of Spouse" thereto, by written questions transmitted with the Commission.

A. L. Mann

*Judge*

(SEAL)

*Reference:* K.S.A. 59-2212; S. Ct. Rule No. 111.

*Time:* Allow ample time for the Deposition to be taken and returned before the hearing.

*Comment:* Although the original Will may be transmitted with the Commission, it is safer to transmit a photocopy of the will.

(CAPTION)

## COMMISSION TO TAKE DEPOSITION

TO: F. F. HATFIELD, PROBATE JUDGE OF FRONTIER COUNTY, WYOMING, COURTHOUSE, ROCK LEDGE, WYOMING 98440:

You are hereby appointed Commissioner of this Court to take the deposition of G. O Back, who resides at Route 1, Rock Ledge, Frontier County, Wyoming 98440, at a time and place to be designated by you.



You will cause the witness to come before you at the designated time and place to be sworn or affirmed to testify the truth, the whole truth, and nothing but the truth; exhibit to the witness the photocopy of the "Last Will and Testament" and of the "Consent of Spouse" attached to this Commission; propound to the witness the written questions transmitted herewith; reduce answers to writing and submit them to the witness for verification and signature.

Immediately thereafter and prior to August 2, 1986, you shall return by United States Mail the deposition signed by the witness certified by you, together with this Commission, the attached photocopy of the "Last Will and Testament" and the "Consent of Spouse", to: A. L. Mann, Probate Judge, Courthouse, Metropolis, Apache County, Kansas 66625.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of this Court at Metropolis, in this county and state, July 11, 1986.

A. L. Mann

*Judge*

(SEAL)

534

(CAPTION)

**WRITTEN QUESTIONS PROPOUNDED TO  
SUBSCRIBING WITNESS**

No. 1: What is your name?

Answer: G. O. Back.

No. 2: Where do you reside?

Answer: Route 1, Rock Ledge, Wyoming.

No. 3: What is your occupation?

Answer: I am a rancher.

No. 4: Please examine the photocopy of the instrument dated April 15, 1986, with the heading: "Last Will and Testament of John Doe". Did you sign your name as a witness on Page 4 of the original document, of which this is a photocopy?

Answer: Yes.

No. 5: Did John Doe sign the original of this document and declare it to be testator's Last Will and Testament in your presence and in the presence of the other witnesses whose names appear thereon?

Answer: Yes, he did.

No. 6: Did you and the other witnesses, Carrie Back and I. S. Gone, sign your name as witnesses to the "Last Will and Testament of John Doe" in testator's presence and in the presence of each other?

Answer: Yes.

No. 7: At that time, was John Doe of sound mind?

Answer: He was.

No. 8: Did he know the names and relationship of his family and natural heirs, and their claims upon his bounty?

Answer: Yes he did.

No. 9: Was John Doe under any restraint of any kind?

Answer: None whatsoever.

No. 10: Did John Doe possess rights of majority at the time of the making of this instrument?

Answer: Yes, he did.

No. 11: At that time, did John Doe know what property he owned, and its nature and extent?

Answer: Yes.

No. 12: Please examine the photocopy of the instrument entitled "Consent of Spouse." Did you sign your name as a witness to the signature of Mary Doe on the last page of the original document, of which this is a photocopy?

Answer: Yes.

No. 13: Did Mary Doe sign the original of this instrument entitled "Consent of Spouse" and declare it to be her voluntary act, in your presence, and in the presence of the other witnesses whose names appear thereon?

Answer: Yes, she did.

No. 14: At that time, was Mary Doe of sound mind?

Answer: She was .

No. 15: At that time, when Mary Doe signed the "Consent of Spouse" to the "Last Will and Testament," John Doe, did Mary Doe know what property was owned by John Doe and its nature and extent?

Answer: Yes.

No. 16: Did you and the other witnesses, Carrie Back and I. S. Gone, sign your name as witnesses to the "Consent of Spouse" of Mary Doe, in Mary Doe's sight and presence and in the sight and presence of each other?

Answer: Yes.

No. 17: Did this all take place on the date mentioned in the Last Will and Testament, April 15, 1986?

Answer: Yes, it did. I remember that it was the day before we moved, on April 16th.

I have read my answers to the above questions and they are correctly recorded.

G. O. BACK

IN WITNESS WHEREOF, I have set my hand and affixed the seal of this Court, in Rock Ledge, in Frontier County, in the State of Wyoming, August 2, 1986.

F. F. HATFIELD

*Probate Judge  
County Courthouse  
Frontier County, Wyoming*

(SEAL)

Reference: K.S.A. 59-601; 59-606; 59-2224; S. Ct. Rule No. 111.

Comment: If the spouse has consented to the Will, the questions should relate to both testator and spouse.

(CAPTION)

COMMISSIONER'S CERTIFICATE TO DEPOSITION

STATE OF WYOMING }  
COUNTY OF FRONTIER } ss:

I, F. F. Hatfield, Probate Judge of Frontier County, Wyoming, a Commissioner appointed by the District Court of Apache County, Kansas, under the annexed Commission to Take Deposition, certify that I took the deposition of G. O. Back, when G.O. Back appeared before me at my office in Rock Ledge, Wyoming, on August 2, 1986, where I placed G. O. Back under oath to tell the truth, the whole truth, and nothing but the truth; exhibited to G. O. Back the photocopy of the "Last Will and Testament of John Doe", and of the "Consent of Spouse", transmitted with the Commission; propounded to the witness each of the questions annexed to the Commission; reduced G. O. Back's answers to writing; submitted the same to the witness for inspection; received the same from G. O. Back verified, approved, signed and sworn to before me in accordance with the Commission.

I do now return the Commission together with the photocopy of the "Last Will and Testament" and of the "Consent of Spouse", and the verified questions signed by the witness.

Further, I certify that I am not a relative or attorney of any party to these proceedings or otherwise interested therein.

F. F. HATFIELD  
*Probate Judge*  
*County Courthouse*  
*Frontier County, Wyoming*

(SEAL)

Fees:  
Commissioners fees..... \$\_\_\_\_\_  
Witness fee..... \$\_\_\_\_\_  
Mileage..... \$\_\_\_\_\_

APPROVED:

PLEADER, PLEADER & TRYOR  
BY: W. B. PLEADER  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

## (CAPTION)

**ORDER ADMITTING WILL TO PROBATE  
[DETERMINING VALID "CONSENT OF SPOUSE"]**

On August 4, 1986, comes on for hearing the Petition for Probate of Will and Issuance of Letters Testamentary [and Determination of a Valid "Consent of Spouse"] filed herein by Mary Doe.

The Petitioner appears in person and by attorneys Pleader, Pleader and Tryor. Robert E. Doe a person in the military service as defined by the Soldiers' and Sailors' Civil Relief Act, appears by attorney U. B. Brief. Henry H. Doe, a minor, appears by guardian ad litem M. R. Docket. Theodore R. Doe appears in person. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, devisees and legatees.

2. [Notice of this hearing has been given as required by law and the Order of this Court and proof thereof has been filed herein and is approved.] or

[Notice of this hearing and the requirement of bond have been waived as required by law, waivers have been filed herein and are approved.]

3. No written defenses, other than general denials of the guardian ad litem and attorney appointed pursuant to the Soldiers' and Sailors' Civil Relief Act or other similar general denials have been filed and there is no compelling reason for a continuance of the hearing.

4. The allegations of the Petition are true.

5. All the terms and provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, have been complied with as to any interested person or persons who are in the service of the United States or its allies.

6. John Doe died testate at Hometown, Kansas on July 3, 1986. At the time of death decedent was a resident of Apache County, Kansas, and a citizen of the United States.

7. The capacity of the testator and the due execution of the Will are proved in accordance with K.S.A. 59-601, 59-606 and 59-2224. The instrument dated April 15, 1986, and filed with the Petition, is the "Last Will and Testament of John Doe," deceased. At the time of the execution of the Last Will and Testament, the decedent was of legal age, of sound mind and not under any restraint. The Last Will and Testament was in full force and effect at the date of death of the decedent and should be admitted to probate and record.

8. Mary Doe is named as Executor in decedent's Last Will and Testament, and is a suitable and competent person to be granted Letters Testamentary, without bond, in accordance with the directions of decedent's Last Will and Testament.

9. Administration is not sought under the Kansas Simplified Estates Act.

10. Mary Doe, the Petitioner and spouse of the decedent, executed a consent in writing to the Last Will and Testament of the decedent.

[11. \_\_\_\_\_ is a nonresident of this state and by reason thereof must appoint an agent pursuant to K.S.A. 59-1706.]

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are made a part of the order and decree of this Court.

(B) The instrument, dated April 15, 1986, and filed with the Petition, is the "Last Will and Testament of John Doe," deceased, and is admitted to probate and record.

(C) The "Consent of Spouse", dated April 15, 1986, executed by Mary Doe is a valid and binding consent to the Last Will and Testament of decedent.

(D) Mary Doe is appointed Executor of the "Last Will and Testament of John Doe", deceased, to serve without bond, and upon filing of oath, [and written appointment of agent pursuant to 59-1706] Letters Testamentary be granted to Mary Doe.

A. L. Mann

*Judge*

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR  
BY: W. B. PLEADER  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-706; 59-1101; 59-1104; 59-1706; 59-2223; 59-2224; 59-2227; 59-3201; 59-3202; 59-3203; 59-3204; 59-3205; 59-3206. Supreme Court Rule No. 111 and 143.

*Time:* The Order Admitting Will to Probate should be filed at the conclusion of the hearing and upon determination of the matter by the Court.

*Comment:* The Court determines the form and the amount of the bond where the Will makes no provision for the Executor to serve without bond, or bond is required by the Court. If bond is excused by written waivers of all heirs, devisees and legatees, by K.S.A. 59-1104, the order should so reflect. If bond is required the amount should be shown. (See form 605).

If the Executor is a nonresident the order should so find and require the Executor to file with the Court a written appointment of an agent pursuant to K.S.A. 59-1706.

If written defenses, other than general denials, have been filed and the court, pursuant to Supreme Court Rule No. 143, has granted a continuance, the journal entry (specifically including paragraph 3) must be modified to so reflect.

537

(CAPTION)

**APPOINTMENT OF AGENT  
BY NONRESIDENT EXECUTOR**

The undersigned \_\_\_\_\_, being a resident of \_\_\_\_\_, and having been appointed Executor of the Estate of \_\_\_\_\_, deceased, by the above named Court, hereby appoints \_\_\_\_\_ who resides at \_\_\_\_\_ in \_\_\_\_\_ County, Kansas, as my true and lawful agent as

provided by K.S.A. 59-1706, and hereby consents that service of any notice or process when made upon the agent shall have the same force and effect as if made upon me personally within said County and State.

Dated and signed this \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
*Executor*

STATE OF KANSAS }  
COUNTY OF APACHE } ss:

The foregoing instrument was acknowledged before me this \_\_\_\_\_, 19\_\_\_\_\_, by \_\_\_\_\_, as Executor of the Estate of \_\_\_\_\_, deceased.

\_\_\_\_\_  
*Notary Public*

(SEAL)  
My Appointment Expires:  
\_\_\_\_\_

*Reference:* K.S.A. 59-706; 59-1706; 60-308; S. Ct. Rule No. 111.  
*Time:* Prior to the issuance of letters to the nonresident executor.  
*Comment:* If an executor who was a resident moves from the state letters will be revoked until the executor has appointed an agent pursuant to 59-706. Under 60-308, the nonresident executor can be served directly.

538

(CAPTION)

ACCEPTANCE OF APPOINTMENT AS AGENT OF NONRESIDENT EXECUTOR

Comes now the undersigned \_\_\_\_\_, who resides at \_\_\_\_\_, \_\_\_\_\_ County, Kansas, and accepts the appointment to act as resident agent for \_\_\_\_\_, Executor, in the above caption estate of \_\_\_\_\_, deceased.

STATE OF KANSAS }  
COUNTY OF APACHE } ss:

The foregoing instrument was acknowledged before me this \_\_\_\_\_,  
by \_\_\_\_\_.

\_\_\_\_\_  
*Notary Public*

(SEAL)  
My Appointment Expires:  
\_\_\_\_\_

\_\_\_\_\_  
*Reference:* K.S.A. 59-706; 59-1706; 60-308; S. Ct. Rule No. 111.  
*Time:* Prior to issuance of letters to a nonresident executor.

539

(CAPTION)

**CERTIFICATE PURSUANT TO K.S.A. 59-2233**

STATE OF KANSAS                    }  
COUNTY OF APACHE            } ss:

I, A. L. Mann, Judge of Apache County, Kansas, do hereby certify that a certified copy of the Last Will and Testament of the above named decedent, and a copy of K.S.A. 59-603 and 59-2233, as amended, were transmitted by United States mail by this Court to Mary Doe, Route 1, Hometown, Kansas 66648, surviving spouse of decedent, on August 4, 1986, in accordance with law.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Court this August 4, 1986.

\_\_\_\_\_  
*A. L. Mann*  
*Judge*

(SEAL)

\_\_\_\_\_  
*Reference:* K.S.A. 59-603; 59-2233; S. Ct. Rule No. 111.

540

(CAPTION)

**OATH OF EXECUTOR**

STATE OF KANSAS                    }  
COUNTY OF APACHE            } ss:

I, Mary Doe, do solemnly swear that I will faithfully, impartially, and to the best of my ability, discharge all of the duties of my trust according to law as Executor of

the "Last Will and Testament of John Doe," deceased, and that I am acting on my own behalf and not on behalf of any bank or corporation which is not authorized to act as a fiduciary in this state.

\_\_\_\_\_  
Mary Doe

SWORN TO before me this August 4, 1986.

\_\_\_\_\_  
Neva Wright

Notary Public

(SEAL)

My Appointment Expires:

January 19, 1990

\_\_\_\_\_  
*Reference:* K.S.A. 59-1702; 59-2227; S. Ct. Rule No. 111.

*Time:* The oath must be filed before Letters Testamentary can be granted.

541

#### BOND

NOTE: In the Estate of John Doe, bond was excused in accordance with the direction and request of the decedent's Last Will and Testament. When personal surety bond is used, follow generally form 1105 in the Special Administration Series. If a commercial surety bond is used, follow generally form 607 in the Intestate Administration Series.

542

(CAPTION)

#### LETTERS TESTAMENTARY

KNOW ALL PERSONS BY THESE PRESENTS:

Mary Doe, a resident of Hometown, Apache County, Kansas, named as Executor of the "Last Will and Testament of John Doe", deceased, having been appointed and qualified as Executor, is hereby granted Letters Testamentary in the Estate, with full power and authority as provided by law and the Last Will and Testament.

IN WITNESS WHEREOF, I, the undersigned Judge of the above entitled Court, have subscribed my name and affixed the seal of this Court at Metropolis, in Apache County, Kansas, this August 4, 1986.

\_\_\_\_\_  
Judge

(SEAL)

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorney for Petitioner



Reference: K.S.A. 59-701; 59-706; 59-2227; S. Ct. Rule No. 111.

Time: Upon the filing of the Oath and Bond, Letters Testamentary shall be granted.

543

(CAPTION)

# INVENTORY AND VALUATION

## I. PROBATE ASSETS:

### SCHEDULE "A" REAL ESTATE

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary as of July 3, 1986</i>
1.	Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less, Apache County, Kansas . . . . .	\$130,000.00
2.	The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas. . . . .	\$ 32,000.00
3.	The Northwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas. . . . .	\$ 32,000.00
4.	The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas. . . . .	\$ 32,000.00
5.	The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas. . . . .	\$ 32,000.00
	Total Schedule "A" . . . . .	\$258,000.00

### SCHEDULE "B" STOCKS AND BONDS (Corporate Stock)

<i>Item No.</i>	<i>Description</i>	<i>Cert. No.</i>	<i>Unit Value</i>	<i>Valuation by Fiduciary as of July 3, 1986</i>
1.	300 Shares Common Stock, Kansas Power & Light Co.	508	\$40 per share	\$12,000.00

### BONDS

<i>Item No.</i>	<i>Description</i>	<i>Serial No.</i>	<i>Date of Purchase</i>	<i>Value at Maturity</i>	<i>Valuation by Fiduciary as of July 3, 1986</i>
1.	U. S. Savings Bond	V8335394HH	10-01-82	5,000.00	\$ 5,000.00
2.	U. S. Savings Bond	X4625318EE	06-01-83	10,000.00	\$ 6,060.00
3.	U. S. Savings Bond	X4625927EE	01-01-84	10,000.00	\$ 5,832.00
4.	Lenexa KS Indl. Rev. Series 1978 Volume Shoe Corp. Project cpn. 6.25 Due 05-01-98	76259	07-01-70		
	Accrued Interest to 07-03-86 (63 days)			5,000.00	\$ 4,200.00
	Total Schedule "B" . . . . .				\$ 53.79
					\$30,145.79

SCHEDULE "C"  
MORTGAGES, NOTES AND CASH

Item No.	Description	Valuation by Fiduciary as of <u>July 3, 1986</u>
1.	Principal balance due on Promissory Note dated July 1, 1975, signed by Frank Johnston and Mary Johnston, his wife, in the original amount of \$10,000.00, with interest at seven percent per annum simple interest on the unpaid balance .....	\$ 2,310.00
	Accrued interest to July 3, 1986 (2 days) .....	\$ .89
2.	Cash on person of decedent at time of death .....	\$ 42.00
3.	Balance in decedent's checking account, #158-812, The Hometown State Bank, Hometown, Kansas .....	\$ 1,000.00
4.	Balance in Savings Account No. 7654, 5½% qtr. comp., The Hometown State Bank, Hometown, Kansas .....	\$12,000.00
	Accrued interest to July 3, 1986 (2 days) .....	\$ 3.62
5.	\$20.00 Certificate of Deposit No. 6256 Loyal Federal Savings at 11.75%, compounded daily on 365/360 basis, 48 mos. maturing 10-01-86 with accrued interest for 1,370 days .....	\$31,274.78
	Total Schedule "C" .....	\$46,631.29

SCHEDULE "D"  
INSURANCE

Item No.	Description	Valuation by Fiduciary as of <u>July 3, 1986</u>
1.	Life Insurance Policy, No. 296011, Long Life Insurance Company, Coral Gables, Florida. Named Beneficiary, Estate .....	\$10,000.00
	Total Schedule "D" .....	\$10,000.00

SCHEDULE "F"  
MISCELLANEOUS PROPERTY

Item No.	Description	Valuation by Fiduciary as of <u>July 3, 1986</u>
1.	The furniture, household goods and wearing apparel situated in the home of the decedent at the time of death .....	\$ 1,500.00
2.	One 1979 Model Chevrolet 4-dr. sedan, Id. No. 1234567890. ....	\$ 1,750.00
3.	One 1978 Model Ford 1/2 ton pickup truck, Id. No. 0987654321 .....	\$1 ,600.00
4.	Approximately 10 tons of fertilizer .....	\$ 1,500.00
5.	Farm machinery, tools and equipment	
	One 1978 John Deere 5040 Tractor. ....	\$10,000.00
	One 1980 Sunflower 12' Disc .....	\$ 4,000.00
	One 1979 IHC Planter. ....	\$ 3,000.00
	Miscellaneous Tools & Equipment. ....	\$ 2,000.00
6.	Inventory of retail produce business .....	\$ 1,900.00
7.	Furniture, fixtures and equipment used in retail produce business .....	\$ 1,000.00
8.	Stamp collection (specifically bequeathed to Mary Ann Jones) .....	\$ 1,000.00
9.	Approximately one thousand bushels of wheat .....	\$ 2,600.00
10.	Annual Crops, growing .....	\$ 4,000.00
	Total Schedule "F" .....	\$35,850.00

RECAPITULATION OF PROBATE ASSETS

Schedule "A" Real Estate .....	\$258,000.00
Schedule "B" Stocks & Bonds .....	\$ 33,145.79
Schedule "C" Mortgages, Notes & Cash .....	\$ 46,631.29

Schedule "D" Insurance .....	\$ 10,000.00
Schedule "F" Miscellaneous Property.....	\$ 35,850.00
Total Probate Assets.....	<u>\$383,627.08</u>

II. NONPROBATE ASSETS:  
(For Informational Purposes Only)

SCHEDULE "E"  
JOINTLY OWNED PROPERTY

Item No.	Description	Valuation by Fiduciary as of <u>July 3, 1986</u>			
1.	The residence of the decedent located on the Northeast quarter of Section 26, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas, owned by John Doe and Mary Doe, as joint tenants.....	\$86,000.00			
	less one-half qualified joint tenancy interest with spouse .....	(\$43,000.00)			
2.	Hometown State Bank—Certificate of Deposit, owned by John Doe and Mary Doe, as joint tennants				
Cert. #	Issue date	Maturity Date	Interest last pd.	Interest rate	
5600	8-1-80	8-1-87	6-1-86	8% daily comp. on 365/365 basis	\$25,000.00
	Accrued interest to July 3, 1986 (32 days) .....				\$ 175.94
	less one-half qualified joint tenancy interest with spouse.....				\$(12,587.97)
	Total Schedule "E".....				\$55,587.97

SCHEDULE "G"  
TRANSFERS

Item No.	Description	Valuation by Fiduciary as of <u>July 3, 1986</u>
	( N O N E )	

SCHEDULE "H"  
POWERS OF APPOINTMENT

Item No.	Description	Valuation by Fiduciary as of <u>July 3, 1986</u>
	( N O N E )	

SCHEDULE "I"  
ANNUITIES

Item No.	Description	Valuation by Fiduciary as of <u>July 3, 1986</u>
	( N O N E )	

RECAPITULATION OF NONPROBATE ASSETS

Schedule "E" Jointly Owned Property.....	\$55,587.97
Schedule "G" Transfers .....	\$ 0.00
Schedule "H" Powers of Appointment.....	\$ 0.00
Schedule "I" Annuities .....	\$ 0.00
Total Nonprobate Assets .....	<u>\$55,587.97</u>

RECAPITULATION OF ALL ASSETS

Total Probate Assets.....	\$383,627.08
Total Nonprobate Assets .....	\$ 55,587.97
Total Estate .....	<u>\$439,215.05</u>

AFFIDAVIT OF EXECUTOR

STATE OF KANSAS                    }  
COUNTY OF Apache                } ss:

Mary Doe, being first duly sworn, on oath states:  
Mary Doe is the Executor of the Estate of John Doe, deceased; the above and foregoing is a full, true and correct inventory and valuation of all property of the types and classifications of real and personal property located within the State of Kansas, and intangible personal property, wheresoever located, owned by John Doe, deceased, together with all other property of the decedent not subject to administration of this proceeding but which is required to be reported for Federal Estate and Kansas Inheritance Tax purposes, which has come into Executor's possession or of which Executor has knowledge.  
Made and returned by Mary Doe, Executor of the Estate of John Doe, deceased, as of July 3, 1986, the date of the death of the decedent.

\_\_\_\_\_  
MARY DOE  
Executor

SUBSCRIBED AND SWORN to before me on September 4, 1986.

\_\_\_\_\_  
NEVA WRIGHT  
Notary Public

My Appointment Expires:  
January 10, 1990

\_\_\_\_\_  
*Reference:* K.S.A. 59-1201; 59-1202; 59-1203; 59-1206; 59-1207; 79-1554(b). S. Ct. Rule No. 111.  
*Time:* The Inventory and Valuation should be made within thirty days after the appointment of the Executor, unless the time is extended by the court.  
*Comment:* The Inventory and Valuation has been prepared to correspond with the schedules in the Federal Estate Tax return (form 706) and the Kansas Inheritance Tax forms. Nonprobate assets need not be listed but often are for tax information purposes. The Estate of John Doe is not large enough to require a Federal Estate Tax return (form 706). The Kansas Department of Revenue, Inheritance Tax Division, forms 80, 90 or 100 are required, as applicable. Copies of the inventory schedules may be attached thus eliminating chances of misdescription or other errors in preparing inheritance or estate tax returns containing the same information.  
An Inventory and Valuation is necessary in every estate. No independent appraisal shall be made unless a party having an interest in the estate requests one. If an appraisal is requested by a person having an interest in the estate, see the following forms:

- 610 Report of Appointment and Petition for Approval of Appraiser
- 611 Order for Hearing
- 612 Order Approving Appointed Appraisers
- 613 Certificate of Appraiser
- 614 Valuation and Independent Appraisal

Accrued interest is the amount of interest earned prior to (and not including) the date of death and not yet paid.

Several modes of computing accrued interest are illustrated:

- Item 4, Schedule "B" shows the prorata share of the coupon payable November 1.  $[63/182.5 \times \$156.25]$
- Item 4, Schedule "C" shows interest earned for the two days since interest was posted (paid) to the account as reflected in the July 1 balance.
- Item 5, Schedule "C" shows interest earned for the 3 years, 9 months and 2 days (1370 days). Usually, periodic reports of earnings are available thus shortening the accrual period (as in the example above). This illustrates how interest can be figured from initiation.
- Item 2, Schedule "E" shows interest earned for the 32 days since interest was last paid.

Interest is computed to the nearest cent by rounding up amounts of 5 mils or more. Interest may be reported to the nearest dollar in conformity with IRS regulations.

Valuation of stocks and bonds follows IRS regulations.

---

544

(CAPTION)

**CERTIFICATE OF ADVISER**

I, the undersigned adviser, pursuant to K.S.A. 59-1207, depose and certify that I have valued at their respective full and fair values according to law, all of the attached Schedule A, Real Estate of John Doe, which was exhibited to me by Mary Doe, Executor of the Estate of John Doe, deceased, as of the date of death of the decedent, and have set the value opposite each item in Schedule A. I have made the valuations honestly and impartially and to the best of my ability, and I request the allowance of advisor fees and expenses as follows:

A. D. Viser

Route 2

Hometown, Kansas 66648 .....\$\_\_\_\_\_

---

*A. D. Viser*

SUBSCRIBED AND SWORN to before me on September 1, 1986.

Neva Wright

*Notary Public*

(SEAL)

**My Appointment Expires:**

January 10, 1990

## ORDER ALLOWING ADVISER FEES AND EXPENSES

On this September 1, 1986, Adviser Fees and Expenses are allowed as follows:

A. D. Viser .....\$\_\_\_\_\_

A. L. Mann

*Judge*

(SEAL)

**Reference:** K.S.A. 59-1207; S. Ct. Rule No. 111.

*Comment:* Advisers are used when the fiduciary desires the advice of an expert on the valuation of specific items of property.

545

(CAPTION)

## ELECTION TO TAKE BY INTESTATE SUCCESSION

I, \_\_\_\_\_, surviving spouse of \_\_\_\_\_, deceased, whose Last Will and Testament has been regularly admitted to probate by this court, do hereby elect to take by the laws of intestate succession, in lieu of the provisions made for me by the Will.

I make this election after having received a copy of the Last Will and Testament, and after having been fully advised of my rights under the law and under the Will.

IN WITNESS WHEREOF, I have subscribed my name \_\_\_\_\_

STATE OF KANSAS

COUNTY OF \_\_\_\_\_

**SS:**

The foregoing instrument was acknowledged before me \_\_\_\_\_,  
by \_\_\_\_\_.

**Notary Public**

(SEAL)

**My Appointment Expires:**

Kansas Judicial Council 8/88

*Reference:* K.S.A. 59-603; 59-2233; 59-2233a; 59-2234; S. Ct. Rule No. 111.

*Time:* If the Election is to be filed, it must be filed within six months after the Will is admitted to probate unless an extension is granted pursuant to K.S.A. 59-2233.

*Comment:* In the Estate of John Doe, the Election to Take by Intestate Succession is not available because Mary Doe, the surviving spouse, consented to the Will and the consent was determined to be valid.

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546

**ALLOWANCE OF DEMAND**

The forms relating to Allowance of Demand are in the section containing special procedures within administration. The pertinent forms are numbered 1201 to 1205 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
1201	Petition for Allowance and Classification of Demand
1202	Order for Hearing
1203	Notice of Hearing
1204	Affidavit of Service
1205	Order Allowing and Classifying Demand

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547

**STATUTORY ALLOWANCES**

The forms relating to Statutory Allowances are in the section containing special procedures within administration. The pertinent forms are numbered 1301 to 1306 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
1301	Petition for Statutory Allowance
1302	Order for Hearing
1303	Notice of Hearing
1304	Affidavit of Service
1305	Order for Statutory Allowance
1306	Receipt

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548

**SETTING APART OF HOMESTEAD**

The forms relating to Setting Apart of Homestead are in the section containing special procedures within administration. The pertinent forms are numbered 1401 to 1405 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
1401	Petition to Set Apart Homestead
1402	Order for Hearing
1403	Notice of Hearing
1404	Affidavit of Service
1405	Order Setting Apart Homestead

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549

**SALE OF PERSONAL PROPERTY**

The forms relating to Sale of Personal Property at both Private Sale and Public Auction are in the section containing special proceedings within administration. The pertinent forms are numbered 1501 to 1506 and 1511 to 1518 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
	(Private Sale)
1501	Petition for Sale of Personal Property at Private Sale
1502	Order for Hearing
1503	Notice of Hearing
1504	Affidavit of Service
1505	Order for Sale of Personal Property at Private Sale
1506	Report of Sale of Personal Property at Private Sale
	(Public Auction)
1511	Petition for Sale of Personal Property at Public Auction
1512	Order for Hearing
1513	Notice of Hearing
1514	Affidavit of Service
1515	Order for Sale of Personal Property at Public Auction
1516	Notice of Sale
1517	Affidavit of Publication
1518	Report of Sale of Personal Property at Public Auction

550

**SALE OF REAL ESTATE**

The forms relating to the Sale of Real Estate at Public Auction are numbered 1601 to 1615. The forms relating to Sale of Real Estate at Private Sale are numbered 1621 to 1634. The forms relating to Sale of Real Estate at Private Sale (with confirmation included in order for sale) are numbered 1641 to 1654.

For a list setting forth the form, title and number, see the Table of Forms at the beginning of the book.

551

(CAPTION)

**VALID SETTLEMENT AGREEMENT**

THIS AGREEMENT is made \_\_\_\_\_, 1986, between:

Mary Doe, a single person;

Theodore R. Doe and Terri C. Doe, his wife;

Robert E. Doe, a single person;

Thomas E. Doe, a married person;

David J. Doe, a single person;

Paul J. Doe, a single person;

Doyle B. Banker, President of Hometown State Bank, Testamentary Trustee for Henry H. Doe, a minor;

Walt Brown, Conservator of the Estate of Mary Ann Jones, a minor;

Vicki J. Doe, Conservator of the Estate of Henry H. Doe, a minor; and



Stuart S. Goodman, Chairman of Board of Trustees, Peoples Church of Hometown, Kansas.

who are all of the heirs, devisees and legatees of John Doe, deceased, and all other interested or affected persons all of whom are competent or authorized to enter into this Valid Settlement Agreement.

WITNESSETH:

WHEREAS proceedings involving the estate of John Doe, deceased, who died testate on July 3, 1986 were commenced in the district court of Apache County, Kansas on July 10, 1986 by the filing of a Petition for Probate of the Last Will and Testament [and Determination of a Valid "Consent of Spouse"] of John Doe, deceased, by Mary Doe and administration of the estate of the decedent is pending as case no. 5000 therein.

WHEREAS Thomas E. Doe, son of John Doe, was disinherited by the terms of the Last Will and Testament of John Doe, deceased.

WHEREAS all parties hereto desire to agree to a division of the assets of the estate of John Doe, deceased, that will include Thomas E. Doe.

NOW THEREFORE in consideration of the mutual covenants and agreements herein set forth, it is agreed by and between the parties as follows:

1. Will of John Doe. A copy of the Last Will and Testament of John Doe, dated April 15, 1986, is attached and made a part of this agreement. The parties acknowledge they have received and examined a copy of the will and have been informed how the decedent's property was given, devised and bequeathed.

2. Full Disclosure. The parties acknowledge they have been informed or furnished a copy of all documents, records or evidence of assets or ownership regarding the property or obligations of John Doe and acknowledge they have been fully and completely informed as to all assets and liabilities.

3. Distribution. Each party hereto consents and agrees that after the payment of all costs and expenses all of the remaining assets of John Doe be divided as follows:

- (a) Pecuniary bequest in the form of a testamentary trust of \$10,000 to the Hometown State Bank, Hometown, Kansas Trustee for the benefit of Henry H. Doe, a minor grandson of the testator.
- (b) Specific bequest of a stamp collection, having an approximate value of \$1,000, to Mary Ann Jones, a minor granddaughter of the testator.
- (c) Pecuniary bequest of \$10,000 to Theodore E. Doe.
- (d) Pecuniary bequest of \$10,000 to Robert E. Doe.
- (e) Pecuniary bequest of \$10,000 to Mary Ann Jones.
- (f) Pecuniary bequest of \$10,000 to David J. Doe.
- (g) Pecuniary bequest of \$10,000 to Paul J. Doe.
- (h) The following described real estate to Robert E. Doe subject to a ten-year mineral interest described in subsection (l):

The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (i) The following described real estate to Theodore R. Doe, subject to a ten-year mineral interest described in subsection (l):

The Northwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (j) The following described real estate to Mary Ann Jones, subject to a ten-year mineral interest described in subsection (l):

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (k) The following described real estate to David J. Doe and Paul J. Doe, subject to a ten-year mineral interest described in subsection (l):

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (l) Mineral interest in the following described real estate, for a ten-year period beginning July 3, 1986 and as long thereafter as extended by production:

Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less, Apache County, Kansas,

assigned as follows:

<i>Name</i>	<i>Interest</i>
Thomas E. Doe	Undivided one-fifth interest
Robert E. Doe	Undivided one-fifth interest
Theodore R. Doe	Undivided one-fifth interest
Mary Ann Jones	Undivided one-fifth interest
David J. Doe	Undivided one-tenth interest
Paul J. Doe	Undivided one-tenth interest

- (m) Specific bequest of \$5,000 to The Peoples Church.
- (n) Residue of the Estate to Mary Doe, including the following described real estate situated in Apache County, Kansas:

Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less, Apache County, Kansas.

4. Release. Each of the parties hereunto releases each other party from any and all claim of every nature whatsoever arising out of or which could be made in and to the assets of the estate of John Doe, deceased, and acknowledges that each has received their proportionate share of any personal items which might have been owned by John Doe, at the time of death. Each party hereto further and specifically releases Mary Doe from any and all liability arising out of actions on behalf of all of the heirs, devisees and legatees of John Doe in the settlement of the affairs of the estate.

5. Counterparts. This agreement may be executed in counter parts but shall constitute and be one agreement notwithstanding the fact that it may be separately executed.

6. Binding effect. This agreement shall extend to and be binding upon the heirs, executors, administrators and assigns of the parties hereto.

Executed by each of the parties and their spouses on the respective dates hereinafter set forth in the acknowledgments to this agreement.

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*Mary Doe*

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*Theodore R. Doe*

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*Terri C. Doe*

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*Robert E. Doe*

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*Thomas A. Doe*

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*David J. Doe*

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*Paul J. Doe*

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*Doyle B. Banker, President,  
Hometown State Bank,  
Testamentary Trustee  
for HENRY H. DOE, a minor*

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*Walt Brown, Conservator of the  
Estate of MARY ANN JONES,  
a minor*

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*Vickie J. Doe, Conservator of the  
Estate of HENRY H. DOE,  
a minor*

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*Stuart S. Goodman, Chairman of  
Board of Trustees,  
Peoples Church,  
Hometown, Kansas*

(ACKNOWLEDGMENTS)

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*Reference:* K.S.A. 59-102(8); S. Ct. Rule No. 111.

*Time:* Any time after death but prior to filing the Petition For Final Settlement in a probate proceeding.

*Comment:* K.S.A. 59-102(8) defines "Valid Settlement Agreement" as "a written and acknowledged instrument which effects the administration or distribution of the estate and which is entered into by all heirs, devisees and legatees, and all other interested or affected persons, all of whom must be competent or authorized to enter into such agreement."

This example of a "Valid Settlement Agreement" is not intended to provide a format to be strictly followed in the drafting of such contracts. It is recognized by the Committee that the circumstances making preparation of such documents advisable varies so widely that this form may not be suitable for all circumstances.

In this example, the Committee started with the premise that the circumstances are the same as listed in subsections (a) through (f) of form no. 501. The exception is that Thomas E. Doe, the son to whom nothing was left by the will, is included in the valid settlement agreement as having an interest in mineral rights to a specifically described section of land. The signature of the spouse of Theodore R. Doe is included in this document because the valid settlement agreement might be considered a transfer of real property by Theodore. If it is such a transfer the spouse might be entitled to an inchoate interest under K.S.A. 59-505 or an elective share under K.S.A. 59-602 and 59-603.

The signature of Vicki J. Doe as the spouse of Thomas E. Doe is not required because Thomas took no interest in realty under the will.

In the event a valid settlement agreement is entered into prior to commencement of a supervised or unsupervised administration it may be possible to eliminate formal administration and have the court construe the valid settlement agreement in an informal administration proceeding or a determination of descent proceeding.

A separate proceeding to obtain court approval is not required and the settlement agreement will normally be approved and distribution thereunder ordered as a part of the final settlement order. In certain situations where the interests of a minor or incapacitated person are altered or reduced, or the parties believe court approval is desirable, a petition may be filed, notice given and the agreement considered prior to the time of final settlement proceedings.

A valid settlement agreement must be certified as filed before the Inheritance Tax Division will consider the distribution for the purposes of computing the inheritance taxes.

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552

(CAPTION)

**PETITION FOR FINAL SETTLEMENT  
[AND APPROVAL OF VALID SETTLEMENT AGREEMENT]**

COMES NOW Mary Doe, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 1, Hometown, Kansas 66648.

2. Petitioner is the duly appointed, qualified and acting Executor of the Estate of John Doe, deceased, by virtue of Letters Testamentary granted by the court on August 4, 1986; more than six months have expired since the date of death of the decedent; more than four months have expired since the first published notice to creditors; actual notice has been given by mail to all known or reasonably ascertainable creditors; and the Estate has been fully administered.

3. John Doe died testate at Hometown, Kansas, on July 3, 1986; John Doe left a Will dated April 15, 1986, which was admitted to probate and record in this court on August 4, 1986; no appeal has been taken from the Order Admitting the Will to Probate, the time for appeal has expired, no later Will has been offered for probate and the time therefore has expired.

4. John Doe was survived by the following named persons who, so far as known or can with reasonable diligence be ascertained, are all of John Doe's heirs:

Name	Age	Relationship	Residence Address	Mailing Address
I. <u>Mary Doe</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 1</u> <u>Hometown, KS 66648</u>	<u>Same</u>
II. <u>Theodore R. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>1220 Main Street</u> <u>Metropolis, KS 66625</u>	<u>Same</u>
III. <u>Robert E. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>P. O. Box 238</u> <u>Kaw City, KS 66600</u>	<u>Serial # 83297336</u> <u>APO, New York, NY</u>
IV. <u>Thomas E. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>Crossroads, AZ 79108</u>	<u>Same</u>
V. <u>Mary Ann Jones</u>	<u>16 yrs</u> <u>born</u> <u>1-15-70</u>	<u>Grand-</u> <u>daughter</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>

(Mary Ann Jones is the child of Mary Doe Jones, a prior deceased daughter of decedent).

VI. A. <u>David J. Doe</u>	<u>Adult</u>	<u>Grandson</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>
B. <u>Paul J. Doe</u>	<u>Adult</u>	<u>Grandson</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>

(David J. Doe and Paul J. Doe are the children of Peter J. Doe, a prior deceased son of decedent).

5. Decedent had no spouse or children or issue of deceased children, or other heirs who survived the decedent other than the persons above named.

6. The names, ages, relationships, residences and addresses of the devisees and legatees so far as known or can with reasonable diligence be ascertained are:

Name	Age	Relationship	Residence Address	Mailing Address
I. <u>Mary Doe</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 1</u> <u>Hometown, KS 66648</u>	<u>Same</u>
II. <u>Theodore R. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>1220 Main Street</u> <u>Metropolis, KS 66625</u>	<u>Same</u>
III. <u>Robert E. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>P. O. Box 238</u> <u>Kaw City, KS 66600</u>	<u>Serial # 83297336</u> <u>APO, New York, NY</u>
IV. <u>Mary Ann Jones</u>	<u>16 yrs</u> <u>born</u> <u>1-15-70</u>	<u>Grand-</u> <u>daughter</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>

(Mary Ann Jones is the child of Mary Doe Jones, a prior deceased daughter of decedent).

V. <u>Henry H. Doe</u>	<u>6 years</u> <u>born</u> <u>2-19-80</u>	<u>Grandson</u>	<u>Crossroads, AZ 79108</u>	<u>Same</u>
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(Henry H. Doe is the son of Thomas E. Doe, a disinherited son of decedent.)

VI. A. <u>David J. Doe</u>	<u>Adult</u>	<u>Grandson</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>
B. <u>Paul J. Doe</u>	<u>Adult</u>	<u>Grandson</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>

(David J. Doe and Paul J. Doe are the children of Peter J. Doe, a prior deceased son of decedent).

VII. <u>The Hometown State Bank</u>	<u>Trustee</u> <u>desig-</u> <u>nated in</u> <u>decedent's</u> <u>will</u>	<u>Hometown, KS 66648</u>	<u>Same</u>
VIII. <u>The Peoples Church</u>	<u>Desig-</u> <u>nated</u> <u>Legatee</u>	<u>Hometown, KS 66648</u>	<u>Same</u>

7. The following heirs, devisees and legatees have a legal disability or are in the military service. The names and addresses of their duly appointed personal representatives, so far as known or can with reasonable diligence be ascertained, are:

<i>Heir, Devisee or Legatee's Name</i>	<i>Name of Personal Representative</i>	<i>Representative Capacity</i>	<i>Address of Personal Representative</i>
<u>Robert E. Doe</u>	<u>U. B. Brief</u>	<u>Attorney appointed pursuant to Soldiers' and Sailors' Civil Re- lief Act of 1940</u>	<u>Metropolis, KS 66625</u>
<u>Henry H. Doe</u>	<u>M. R. Docket</u>	<u>Guardian Ad Litem</u>	<u>Metropolis, KS 66625</u>
<u>Mary Ann Jones</u>	<u>Walt Brown</u>	<u>Conservator</u>	<u>2020 W. 20th, Hometown, KS 66666</u>

8. A full, true and correct account by the Petitioner of the administration of the Estate is marked "Exhibit A" and incorporated herein by reference.

9. All taxes imposed by the State of Kansas have been paid; all demands against the Estate of the decedent have been paid as authorized by law or the orders of the court, and the time for filing of demands has expired.

10. The Petitioner waives compensation for services as Executor and has employed Pleader, Pleader & Tryor as attorneys; U. B. Brief has been appointed as required by the Soldiers' and Sailors' Civil Relief Act; M. R. Docket has been appointed Guardian ad litem for a minor herein; the attorneys and the Guardian ad litem have performed valuable services in this Estate and allowances should be made for their services and their expenses as follows:

- (a) To the Executor for attorneys' fees in the sum of \$xxx.xx, and their expenses in the sum of \$xxx.xx.
  - (b) To U. B. Brief in the sum of \$xxx.xx.
  - (c) To M. R. Docket in the sum of \$xxx.xx.
11. The decedent owned at the time of death, the following described real estate situated in Apache County, Kansas:

Section 15, Township 20 South, Range 30, West of the 6th P.M., containing 640 acres more or less.

The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Northwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

12. Decedent's spouse Mary Doe consented in writing to the Last Will and Testament of the decedent, as determined by the court in its Order Admitting Decedent's Will to Probate, [and Determining Valid "Consent of Spouse"].

[Alternative 13. The Last Will and Testament of the decedent should be construed to distribute the Estate as follows:

- (a) Pecuniary bequest in the form of a testamentary trust of \$10,000 to the Hometown State Bank, Hometown, Kansas, Trustee, for the benefit of Henry H. Doe, a minor grandson of the testator.
- (b) Specific bequest of a stamp collection, having an approximate value of \$1,000, to Mary Ann Jones, a minor granddaughter of the testator.
- (c) Pecuniary bequest of \$10,000 to Theodore R. Doe.
- (d) Pecuniary bequest of \$10,000 to Robert E. Doe.
- (e) Pecuniary bequest of \$10,000 to Mary Ann Jones.
- (f) Pecuniary bequest of \$10,000 to David J. Doe.
- (g) Pecuniary bequest of \$10,000 to Paul J. Doe.
- (h) Specific devise of the following described real estate to Robert E. Doe:

The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (i) Specific devise of the following described real estate to Theodore R. Doe:

The Northwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (j) Specific devise of the following described real estate to Mary Ann Jones:

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (k) Specific devise of the following described real estate to David J. Doe and Paul J. Doe:

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (l) Pecuniary bequest of \$5,000 to The People's Church.
- (m) Residue of estate to Mary J. Doe, wife of the testator, including the following described real estate situated in Apache County, Kansas:

Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less.]

or

Alternative 13. The instrument dated March 1, 1987, and filed with this Petition is a "Valid Settlement Agreement" pursuant to K.S.A. 59-102(8), should be approved and it and the Last Will and Testament of the decedent should be construed to distribute the Estate as follows:

- (a) Pecuniary bequest in the form of a testamentary trust of \$10,000 to the Hometown State Bank, Hometown, Kansas, Trustee, for the benefit of Henry H. Doe, a minor grandson of the testator.
- (b) Specific bequest of a stamp collection, having an approximate value of \$1,000, to Mary Ann Jones, a minor granddaughter of the testator.

- (c) Pecuniary bequest of \$10,000 to Theodore R. Doe.
- (d) Pecuniary bequest of \$10,000 to Robert E. Doe.
- (e) Pecuniary bequest of \$10,000 to Mary Ann Jones.
- (f) Pecuniary bequest of \$10,000 to David J. Doe.
- (g) Pecuniary bequest of \$10,000 to Paul J. Doe.
- (h) The following described real estate to Robert E. Doe, subject to a ten-year mineral interest described in subsection (l):

The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (i) The following described real estate to Theodore R. Doe, subject to a ten-year mineral interest described in subsection (l):

The Northwest quarter of Section 10, Township 20 South Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (j) The following described real estate to Mary Ann Jones, subject to a ten-year mineral interest described in subsection (l):

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (k) The following described real estate to David J. Doe and Paul J. Doe, subject to a ten-year mineral interest described in subsection (l):

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (l) Mineral interest in the following described real estate, for a ten-year period beginning July 3, 1986 and as long thereafter as extended by production:

Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less, Apache County, Kansas,

is assigned as follows:

<i>Name</i>	<i>Interest</i>
Thomas E. Doe	Undivided one-fifth interest
Robert E. Doe	Undivided one-fifth interest
Theodore R. Doe	Undivided one-fifth interest
Mary Ann Jones	Undivided one-fifth interest
David J. Doe	Undivided one-tenth interest
Paul J. Doe	Undivided one-tenth interest

- (m) Pecuniary bequest of \$5,000 to The Peoples Church.
- (n) Residue of the Estate to Mary Doe, wife of the testator, including the following described real estate situated in Apache County, Kansas:

Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less.]



WHEREFORE, Petitioner prays Petitioner's acts be approved; Petitioner's account be settled and allowed; heirs be determined; the [Will] [Will and "Valid Settlement Agreement"] be construed and the estate be assigned to the persons entitled thereto; the court find the allowances requested for attorneys and Guardian ad litem fees and expenses are reasonable, should be allowed and ordered paid; the court costs be determined and ordered paid; the administration of the Estate be closed; upon the filing of receipts the Petitioner be finally discharged as the Executor of the Estate of John Doe, deceased, and Petitioner [and the surety on petitioner's bond] be released from further liability.

MARY DOE  
Petitioner

VERIFICATION

See form no. 503 for verification)

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

EXHIBIT "A"

Account of Mary Doe, Executor of the Estate of John Doe, deceased, July 3, 1986-April 4, 1987

RECEIPTS

Date	Received From	Explanation	Amount
07-03-86	Cash	Cash on Person of Decedent.....	\$ 42.00
08-05-86	Frank Johnson	Balance due on Promissory Note.....	\$ 2,325.51
08-05-86	Hometown State Bank	Checking Account .....	\$ 1,000.00
08-05-86	Hometown State Bank	Savings Account.....	\$12,063.29
08-05-86	Hometown State Bank	Certificate of Deposit.....	\$31,613.40
10-01-86	Kansas Power & Light	Dividends.....	\$ 225.00
10-10-86	Long Life Ins. Co.	Policy No. 296011 .....	\$10,000.00
10-10-86	Long Life Ins. Co.	Int. on insurance proceeds 100 days at 8% simple .....	\$ 219.18
10-12-86	Z. Z. Smith	Sale of Ford Pickup.....	\$ 1,600.00
10-12-86	U. R. Farmer	Sale of Farm Machinery, Tools & Equipment: One 1978 John Deere 5040 Tractor.....	\$10,000.00
		One 1980 Sunflower 12' Disc .....	\$ 4,000.00
		One 1979 IHC Planter.....	\$ 3,000.00
		Miscellaneous Tools & Equipment.....	\$ 3,041.20
10-12-86	Hometown State Bank	Redemption of U. S. Savings Bonds (\$5000, \$6308 & \$5832) .....	\$17,140.00
10-12-86	Hometown Elevator Co.	Sale of 1000 Bushels of Inventoried Wheat .....	\$ 2,550.00
11-01-86	Lenexa IRB	IRB cpn.....	\$ 156.25
01-01-87	Kansas Power & Light	Dividends.....	\$ 240.00
04-01-87	Kansas Power & Light	Dividends.....	\$ 240.00
Total Receipts .....			\$99,555.83

DISBURSEMENTS

Date	Paid To	Purpose	Amount
08-05-86	F. F. Hatfield	Commissioner Fees.....	\$ 25.00
08-05-86	G. O. Back	Witness Fee & Mileage .....	\$ 16.00
08-16-86	R. E. Dealer	Appraiser Fee & Mileage .....	\$ 15.00
08-16-86	A. G. Broker	Appraiser Fee & Mileage .....	\$ 15.00
08-16-86	S. N. Neighbor	Appraiser Fee & Mileage .....	\$ 15.00
09-02-86	Mary Doe	Statutory Allowance.....	\$ 7,500.00
09-03-86	Hometown General Hosp.	Hospital Bill .....	\$ 1,500.00
09-03-86	A-1 Garage	Repair Bill.....	\$ 92.00
09-03-86	Ritz Mortuary	Funeral Expenses .....	\$ 3,000.00
09-03-86	Ace Monument Company	Grave Monument (As directed by the Will) .....	\$ 1,500.00
Total Disbursements .....			\$13,678.00

RECAPITULATION

Total Cash Receipts .....	\$99,555.83
Total Cash Disbursements.....	\$13,678.00
Cash Balance on Hand .....	\$85,877.83

The above stated cash balance on hand is carried in a checking account with the Hometown State Bank, Hometown, Kansas, under the name and style of Mary Doe, Executor of the Estate of John Doe, deceased.

Including the cash balance belonging to the Estate of \$85,877.83, the Executor accounts for the following items of personal property belonging to the Estate of the decedent as follows:

- (a) Cash Balance \$85,877.83.
- (b) Personal Property in Executor's custody:
  - (1) Stamp collection.
  - (2) 300 Shares of KP&L Common Stock.
  - (3) Lenexa, Kansas Industrial Revenue Bonds.
  - (4) Approximately 10 tons of fertilizer; inventory of retail produce business; furniture, fixtures and equipment used in retail produce business; annual crops.
- (c) Personal property previously distributed pursuant to: "Order for Statutory Allowance," dated September 2, 1986, 1979 Chevrolet, furniture, household goods, wearing apparel, and \$7,500 cash.

Reference: K.S.A. 59-1401; 59-1501; 59-1502; 59-2204; 59-2247; 79-303; 79-3112; 79-3220(d); Internal Revenue Code Section 641(b); S. Ct. Rule No. 111.

Time: The Petition for Final Settlement must be filed in accordance with K.S. A. 59-1501.

Comment: The Petition should recite the names, ages, relation ships and addresses of all heirs, devisees and legatees, irrespective of their entitlement to benefits, so far as known or can with reasonable diligence be ascertained.

If no interested party is in the service, an Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act, form no. 522, must be filed on or before the date of the hearing on the Petition. Similarly, if interested parties are in the service or under any legal disability, the Written Defenses of the Attorney Representing Interests of Person Pursuant to Soldiers' and Sailors' Civil Relief Act, must be filed. See generally form no. 521 and 527.

Notice must also be given to all conservators, if any.

Only the probate assets are listed in paragraph 11. In paragraph 13 alternatives are set forth for use in situations in which the property is distributed pursuant to terms of the will and for use in situations in which the property is distributed pursuant to the terms of the will and the valid settlement agreement.

See Comment to form 543 for discussion of accrued interest and example of its application.

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553

(CAPTION)

**ORDER FOR HEARING**

On April 5, 1987, the Court finds that the Petition for Final Settlement filed by Mary Doe, should be heard on May 4, 1987, at 10 a.m. in this court and notice of the time and place of hearing be given pursuant to K.S.A. 59-2209.

All instruments required by K.S.A. 59-2209 to be included with the Notice shall be served on all interested parties, and the Affidavit of Service shall so reflect, provided however, the Petitioner shall be excused from physically attaching to the Affidavit of Service copies of all instruments other than the Notice.

A. L. Mann

*Judge*

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

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*Reference:* K.S.A. 59-2208; 59-2209; 59-2247; S. Ct. Rule No. 111.

*Time:* When the petition is filed.

*Comment:* When title to real estate is to be assigned by the court the notice of hearing shall be pursuant to K.S.A. 59-2209. When title to real estate is not to be assigned by the court the notice of hearing shall be given or waived as provided in K.S.A. 59-2208 and amendments thereto.

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First published in the Metropolis Herald, Monday, April 10, 1987.

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

John Doe, Deceased

}

No. 4000

NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a petition has been filed in this Court by Mary Doe, duly appointed, qualified and acting Executor of the Estate of John Doe, deceased, praying Petitioner's acts be approved; account be settled and allowed; the heirs be determined; the [Will] [Will and "Valid Settlement Agreement"] be construed and the Estate be assigned to the persons entitled thereto; the court find the allowances requested for attorneys and guardian ad litem fees and expenses are reasonable and should be allowed; the costs be determined and ordered paid; the administration of the Estate be closed; upon the filing of receipts the Petitioner be finally discharged as the Executor of the Estate of John Doe, deceased, and the Petitioner [and the surety on Petitioner's bond] be released from further liability.

You are required to file your written defenses thereto on or before May 4, 1987, at 10:00 a.m. in the district court, Metropolis, Apache County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the petition.

MARY DOE

*Executor*

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Executor

TO THE PUBLISHER: Please publish for three consecutive Fridays commencing April 10, 1987. Immediately after the first publication, please forward \_\_\_\_\_ copies of the above and foregoing notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas . Immediately after the third publication, make your proof of publication to the District Court, Courthouse, with copy to this office.

*Reference:* K.S.A. 59-2209; 59-2210; 59-2247; S. Ct. Rule No. 111.

*Time:* The Notice of Hearing shall be published once a week for three consecutive weeks with the first publication within ten days of the Order for Hearing. The date set for hearing shall not be earlier than seven days nor later than fourteen days after the last publication of notice.

The statutory requirement of mailing a copy of the petition with notice of hearing may properly be excused by the court, as to certain parties, when those parties would not be adversely affected.

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555

**AFFIDAVIT OF SERVICE**

See Form No. 506, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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556

**AFFIDAVIT OF PUBLICATION**

See Form No. 507, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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557

**WRITTEN DEFENSES OF GUARDIAN AD LITEM**

See Form No. 521, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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558

**AFFIDAVIT PURSUANT TO SOLDIERS'  
AND SAILORS' CIVIL RELIEF ACT**

See Form No. 522, as to: (1) Form,  
(2) Reference, and  
(3) Comment.

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559

**WRITTEN DEFENSES OF ATTORNEY REPRESENTING  
INTERESTS OF PERSON PURSUANT TO SOLDIERS'  
AND SAILORS' CIVIL RELIEF ACT**

See Form No. 527, as to: (1) Form, and  
(2) Time

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## (CAPTION)

## JOURNAL ENTRY OF FINAL SETTLEMENT

On May 4, 1987, comes on for hearing the Petition for Final Settlement [and Approval of Valid Settlement Agreement] filed by Mary Doe, Executor of the Estate of John Doe, deceased.

The Petitioner appears in person and by attorneys Pleader, Pleader and Tryor. Robert E. Doe, a person in the military service appears by attorney U. B. Brief. M. R. Docket, Guardian ad litem, appears for Henry H. Doe, a minor. Theodore R. Doe appears in person.

There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, devisees, legatees and creditors.

2. Notice of this hearing has been given as required by law and the order of this court and proof thereof has been filed herein and is hereby approved.

3. The allegations of the Petition are true.

4. All the terms and provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, have been complied with as to any interested person or persons who are in the service of the United States or its allies.

5. All taxes imposed by the State of Kansas have been paid; actual notice has been given by mail to all known or reasonably ascertainable creditors; all demands against the Estate of the decedent have been paid as authorized by law or the orders of the court, and the time for filing demands has expired.

6. Decedent's spouse, Mary Doe, consented in writing to the Last Will and Testament of the decedent.

7. Decedent owned at the time of death, the following described real estate situated in Apache County, Kansas:

Section 15, Township 20 South, Range 30, West of the 6th P.M., containing 640 acres more or less.

The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Northwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

8. Petitioner has filed herein a full and complete accounting of receipts and disbursements as Executor which is summarized as follows:

Receipts.....	<u>\$99,555.83</u>
Disbursements.....	<u>\$13,678.00</u>
Balance Cash on Hand .....	<u>\$85,877.83</u>

The Petitioner, since filing the Petition for Final Settlement, has received the following:

Lenexa IRB cpn .....	<u>\$156.25</u>
Rent.....	<u>\$250.00</u>
KP&L Refund .....	<u>\$ 20.00</u>
Telephone Refund.....	<u>\$ 6.00</u>
TOTAL .....	<u>\$ 432.25</u>

and made the following disbursements:

Gas Bill.....	<u>\$ 57.00</u>
Payment of State Intangibles Tax .....	<u>\$126.00</u>
TOTAL .....	<u>\$ 183.00</u>

leaving a balance on hand of \$86,127.08

9. The account attached to the Petition and the above supplemental account should be settled and allowed and all of the acts and proceedings of the Executor have been in accordance with the law and the orders of this court and approved.

10. John Doe was survived by the following named persons who, so far as known or can with reasonable diligence be ascertained are all of John Doe's heirs:

Name	Age	Relationship	Residence Address	Mailing Address
I. Mary Doe	Adult	Wife	Route 1 Hometown, KS 66648	Same
II. Theodore R. Doe	Adult	Son	1220 Main Street Metropolis, KS 66625	Same
III. Robert E. Doe	Adult	Son	P. O. Box 238 Kaw City, KS 66600	Serial # 83297336 APO, New York, NY
IV. Thomas E. Doe	Adult	Son	Crossroads, AZ 79108	Same
V. Mary Ann Jones	16 yrs born 1-15-70	Grand- daughter	Dry Creek, CO 66875	Same

(Mary Ann Jones is the child of Mary Doe Jones, a prior deceased daughter of decedent).

VI. A. David J. Doe	Adult	Grandson	Dry Creek, CO 66875	Same
B. Paul J. Doe	Adult	Grandson	Dry Creek, CO 66875	Same
(David J. Doe and Paul J. Doe are the children of Peter J. Doe, a prior deceased son of decedent).				

11. Decedent had no spouse or children or issue of deceased children, or other heirs who survived the decedent other than the persons above named.

12. The names, ages, relationships, residences and addresses of the devisees and legatees so far as known or can with reasonable diligence be ascertained are:

Name	Age	Relationship	Residence Address	Mailing Address
I. Mary Doe	Adult	Wife	Route 1 Hometown, KS 66648	Same
II. Theodore R. Doe	Adult	Son	1220 Main Street Metropolis, KS 66625	Same
III. Robert E. Doe	Adult	Son	P. O. Box 238 Kaw City, KS 66600	Serial # 83297336 APO, New York, NY

IV. <u>Mary Ann Jones</u>	<u>16 yrs</u> <u>born</u> <u>1-15-70</u>	<u>Grand-</u> <u>daughter</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>
(Mary Ann Jones is the child of Mary Doe Jones, a prior deceased daughter of decedent).				
V. <u>Henry H. Doe</u>	<u>6 years</u> <u>born</u> <u>2-19-80</u>	<u>Grandson</u>	<u>Crossroads, AZ 79108</u>	<u>Same</u>
(Henry H. Doe is the son of Thomas E. Doe, a disinherited son)				
VI. A. <u>David J. Doe</u>	<u>Adult</u>	<u>Grandson</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>
B. <u>Paul J. Doe</u>	<u>Adult</u>	<u>Grandson</u>	<u>Dry Creek, CO 66875</u>	<u>Same</u>
(David J. Doe and Paul J. Doe are the children of Peter J. Doe, a prior deceased son of decedent).				
VII. <u>The Hometown</u> <u>State Bank</u>		<u>Trustee</u> <u>desig-</u> <u>nated in</u> <u>decedent's</u> <u>will</u>	<u>Hometown, KS 66648</u>	<u>Same</u>
VIII. <u>The Peoples</u> <u>Church</u>		<u>Desig-</u> <u>nated</u> <u>Legatee</u>	<u>Hometown, KS 66648</u>	<u>Same</u>

13. The following heirs, devisees and legatees have a legal disability or are in the military service. The names and addresses of their duly appointed personal representatives, so far as known or can with reasonable diligence be ascertained, are:

<i>Heir, Devisee or Legatee's Name</i>	<i>Name of Personal Representative</i>	<i>Representative Capacity</i>	<i>Address of Personal Representative</i>
<u>Robert E. Doe</u>	<u>U. B. Brief</u>	<u>Attorney appointed</u> <u>pursuant to Soldiers'</u> <u>and Sailors'</u> <u>Civil Relief Act of 1940</u>	<u>Metropolis, KS 66625</u>
<u>Henry H. Doe</u>	<u>M. R. Docket</u>	<u>Guardian Ad Litem</u>	<u>Metropolis, KS 66625</u>
<u>Mary Ann Jones</u>	<u>Walt Brown</u>	<u>Conservator</u>	<u>2020 W. 20th,</u> <u>Hometown, KS 66666</u>

[Alternative 14. The Last Will and Testament of the decedent should be construed to distribute the Estate as follows:

- (a) Pecuniary bequest in the form of a testamentary trust of \$10,000 to the Hometown State Bank, Hometown, Kansas, Trustee, for the benefit of Henry H. Doe, a minor grandson of the testator.
- (b) Specific bequest of a stamp collection, having an approximate value of \$1,000, to Mary Ann Jones, a minor granddaughter of the testator.
- (c) Pecuniary bequest of \$10,000 to Theodore R. Doe.
- (d) Pecuniary bequest of \$10,000 to Robert E. Doe.
- (e) Pecuniary bequest of \$10,000 to Mary Ann Jones.
- (f) Pecuniary bequest of \$10,000 to David J. Doe.
- (g) Pecuniary bequest of \$10,000 to Paul J. Doe.
- (h) Specific devise of the following described real estate to Robert E. Doe:

The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.



- (i) Specific devise of the following described real estate to Theodore R. Doe:

The Northwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (j) Specific devise of the following described real estate to Mary Ann Jones:

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (k) Specific devise of the following described real estate to David J. Doe and Paul J. Doe:

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (l) Pecuniary bequest of \$5,000 to The People's Church.  
(m) Residue of estate to Mary J. Doe, wife of the testator, including the following described real estate situated in Apache County, Kansas:

Section 1, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less.]

or

[Alternative 14. The instrument dated March 1, 1987 and filed with this Petition is a "Valid Settlement Agreement" pursuant to K.S.A. 59-102(8) and it and the Last Will and Testament of the decedent should be construed to distribute the Estate as follows:

- (a) Pecuniary bequest in the form of a testamentary trust of \$10,000 to the Hometown State Bank, Hometown, Kansas, Trustee, for the benefit of Henry H. Doe, a minor grandson of the testator.
- (b) Specific bequest of a stamp collection, having an approximate value of \$1,000, to Mary Ann Jones, a minor granddaughter of the testator.
- (c) Pecuniary bequest of \$10,000 to Theodore R. Doe.
- (d) Pecuniary bequest of \$10,000 to Robert E. Doe.
- (e) Pecuniary bequest of \$10,000 to Mary Ann Jones.
- (f) Pecuniary bequest of \$10,000 to David J. Doe.
- (g) Pecuniary bequest of \$10,000 to Paul J. Doe.
- (h) The following described real estate to Robert E. Doe, subject to a ten-year mineral interest described in subsection (l):

The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (i) The following described real estate to Theodore R. Doe, subject to a ten-year mineral interest described in subsection (l):

The Northwest quarter of Section 10, Township 20 South Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (j) The following described real estate to Mary Ann Jones, subject to a ten-year mineral interest described in subsection (l):

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (k) Interest in the following described real estate to David J. Doe and Paul J. Doe, subject to a ten-year mineral interest described in subsection (l):

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (l) Mineral interest in the following described real estate, for a ten-year period beginning July 3, 1986 and as long thereafter as extended by production:

Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less, Apache County, Kansas,

is assigned as follows:

<i>Name</i>	<i>Interest</i>
Thomas E. Doe	Undivided one-fifth interest
Robert E. Doe	Undivided one-fifth interest
Theodore R. Doe	Undivided one-fifth interest
Mary Ann Jones	Undivided one-fifth interest
David J. Doe	Undivided one-tenth interest
Paul J. Doe	Undivided one-tenth interest

- (m) Pecuniary bequest of \$5,000 to The Peoples Church.
- (n) Residue of the Estate to Mary Doe, wife of the testator, including the following described real estate situated in Apache County, Kansas:

Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less.]

15. Mary Doe has waived compensation for services as Executor; has employed Pleader, Pleader & Tryor as attorneys in this Estate; M. R. Docket was appointed Guardian ad litem for Henry H. Doe, a minor; U. B. Brief was appointed attorney to represent the interests of Robert E. Doe, a person in the military service, pursuant to the Soldiers' and Sailors' Civil Relief Act; there are other costs due this court; the following fees, expenses and costs are reasonable and should be paid:

- (a) To the Executor for attorneys' fees in the sum of \$xxx.xx, and their expenses in the sum of \$xxx.xx.
- (b) To U. B. Brief in the sum of \$xxx.xx.
- (c) To M. R. Docket in the sum of \$xxx.xx.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) The accounts of Mary Doe, Executor of the Estate of John Doe, deceased, are settled and allowed and all of Mary Doe's acts and proceedings are approved and Mary Doe is authorized and directed to pay the fees, expenses and costs set out in paragraph 15 above.

[Alternative (C). After the payment of fees, expenses and costs the assets remaining in the hands of the Executor, and all other real and personal property owned by the decedent at the time of death, subject to any lawful disposition heretofore made, are assigned pursuant to the terms of decedent's Last Will and Testament, as herein construed, as follows:

- (1) Pecuniary bequest in the form of a testamentary trust of \$10,000 to the Hometown State Bank, Hometown, Kansas, Trustee, for the benefit of Henry H. Doe, a minor grandson of the testator.
- (2) Specific bequest of a stamp collection, having an approximate value of \$1,000, to Mary Ann Jones, a minor granddaughter of the testator.
- (3) Pecuniary bequest of \$10,000 to Theodore R. Doe.
- (4) Pecuniary bequest of \$10,000 to Robert E. Doe.
- (5) Pecuniary bequest of \$10,000 to Mary Ann Jones.
- (6) Pecuniary bequest of \$10,000 to David J. Doe.
- (7) Pecuniary bequest of \$10,000 to Paul J. Doe.
- (8) Specific devise of the following described real estate to Robert E. Doe:

The Northeast quarter of Section 10, Township 20 South, Range 30, West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (9) Specific devise of the following described real estate to Theodore R. Doe:

The Northwest quarter of Section 10, Township 20 South, Range 30, West of the 6th P. M. containing 160 acres more or less, Apache County, Kansas.

- (10) Specific devise of the following described real estate to Mary Ann Jones:

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (11) Specific devise of the following described real estate to David J. Doe and Paul J. Doe:

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (12) Pecuniary bequest of \$5,000 to The People's Church.
- (13) Residue of estate to Mary J. Doe, wife of the testator, including the following described real estate situated in Apache County, Kansas:

Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less.]

or

[Alternative C. After the payment of fees, expenses and costs the assets remaining in the hands of the Executor, and all other real and personal property owned by the decedent at the time of death, subject to any lawful disposition heretofore made, are assigned pursuant to the terms of "Valid Settlement Agreement" as herein approved and the terms of decedent's Last Will and Testament, as herein construed, as follows:

- (1) Pecuniary bequest in the form of a testamentary trust of \$10,000 to the Home-

town State Bank, Hometown, Kansas, Trustee, for the benefit of Henry H. Doe, a minor grandson of the testator.

- (2) Specific bequest of a stamp collection, having an approximate value of \$1,000, to Mary Ann Jones, a minor granddaughter of the testator.
- (3) Pecuniary bequest of \$10,000 to Theodore R. Doe.
- (4) Pecuniary bequest of \$10,000 to Robert E. Doe.
- (5) Pecuniary bequest of \$10,000 to Mary Ann Jones.
- (6) Pecuniary bequest of \$10,000 to David J. Doe.
- (7) Pecuniary bequest of \$10,000 to Paul J. Doe.
- (8) The following described real estate to Robert E. Doe, subject to a ten-year mineral interest described in subsection (12):

The Northeast quarter of Section 10, Township 20 South, Range 30, West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (9) The following described real estate to Theodore R. Doe, subject to a ten-year mineral interest described in subsection (12):

The Northwest quarter of Section 10, Township 20 South, Range 30, West of the 6th P. M. containing 160 acres more or less, Apache County, Kansas.

- (10) The following described real estate to Mary Ann Jones, subject to a ten-year mineral interest described in subsection (12):

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas.

- (11) The following described real estate to David J. Doe and Paul J. Doe, subject to a ten-year mineral interest described in subsection (12):

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas,

- (12) Mineral interest in the following described real estate, for a ten-year period beginning July 3, 1986 and as long thereafter as extended by production:

Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less, Apache County, Kansas, is assigned as follows:

<i>Name</i>	<i>Interest</i>
Thomas E. Doe	Undivided one-fifth interest
Robert E. Doe	Undivided one-fifth interest
Theodore R. Doe	Undivided one-fifth interest
Mary Ann Jones	Undivided one-fifth interest
David J. Doe	Undivided one-tenth interest
Paul J. Doe	Undivided one-tenth interest

- (13) Pecuniary bequest of \$5,000 to The Peoples Church.
- (14) Residue of the Estate to Mary Doe, wife of the testator, including the following described real estate situated in Apache County, Kansas:

Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less.]

(D) The real estate is assigned as of the date of death of the decedent. The Executor is directed to distribute the personal property forthwith.

(E) Upon the filing of proper receipts, the administration of the Estate shall be closed, Mary Doe shall be finally discharged as Executor of the Estate of John Doe, deceased, and Mary Doe [and the surety on the bond] shall be released from further liability.

A. L. Mann

Judge

(SEAL)

Approved:

PLEADER, PLEADER & TRYOR

By W. B. Pleader

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

U. B. Brief

U. B. Brief

Metropolis, Kansas 66625

(913) 555-1111

Attorneys for Robert E. Doe

M. R. Docket

M. R. Docket

Metropolis, Kansas 66624

(913) 555-2222

Guardian ad litem for Mary Ann

Jones and Henry H. Doe, Minors

*Reference:* K.S.A. 59-2249; S. Ct. Rule No. 111.

*Time:* The Journal Entry of Final Settlement shall not be entered sooner than six months after the date of death of the decedent and not sooner than four months after the first publication of the notice to creditors, whichever is later.

*Comment:* No decree should be entered until after the determination and payment of inheritance tax, if any.

Federal law provides for personal liability of the personal representative until an estate tax closing letter is obtained.

The blank lines in the second paragraph are for use in case of unscheduled appearances.

(CAPTION)

## RECEIPT

Received of Mary Doe, Executor of the Estate of John Doe, deceased, \$10,000.00 in full satisfaction of my pecuniary bequest of the Estate as per the Journal Entry of Final Settlement.

Dated May 14, 1987.

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*Theodore R. Doe*

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*Reference:* K.S.A. 59-1718; S. Ct. Rule No. 111.

*Time:* After the Journal Entry of Final Settlement.

*Comment:* Similar receipts should be procured from all distributees of personal property.

Some bequests include interest and, if that is the case, it should be so noted in the receipt.

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(CAPTION)

## JOURNAL ENTRY OF FINAL DISCHARGE

On May 4, 1987, comes Mary Doe, Executor of the Estate of John Doe, deceased, and files receipts showing that Mary Doe fully complied with the Journal Entry of Final Settlement entered herein and the Court finds that Mary Doe should be finally discharged.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that Mary Doe is hereby finally discharged as Executor of the Estate of John Doe, deceased and Mary Doe [and the surety on the bond] is [are] hereby released from any and all further liability.

---

A. L. Mann

*Judge*

(SEAL)

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

---

*Reference:* K.S.A. 59-1718 S. Ct. Rule No. 111.

*Time:* Whenever the receipts are filed and all orders of the Court have been complied with in all respects.

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SUPERVISED INTESTATE ADMINISTRATION

Title	Form No.
Petition for Issuance of Letters of Administration .....	601
Notice of Intestate Proceedings .....	602
Proceedings for Appointment of Guardian Ad Litem .....	603
Proceedings Under Soldiers' and Sailors' Civil Relief Act .....	604
Order Appointing Administrator .....	605
Oath of Administration .....	606
Bond of Administrator .....	607
Letters of Administration .....	608
Inventory and Valuation .....	609
Report of Appointment and Petition for Approval of Appraisers .....	610
Order for Hearing .....	611
Order Approving Appointed Appraiser .....	612
Certificate of Appraiser .....	613
Valuation and Independent Appraisalment .....	614
Allowance of Demand .....	615
Statutory Allowance .....	616
Setting Apart Homestead .....	617
Sale of Personal Property .....	618
Valid Settlement Agreement .....	619
Sale of Real Estate .....	620
Petition for Final Settlement [and Approval of Valid Settlement Agreement] .....	621
Order for Hearing .....	622
Notice of Hearing .....	623
Affidavit of Service .....	624
Affidavit of Publication .....	625
Written Defenses of Guardian Ad Litem .....	626
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act .....	627
Written Defenses of Attorney Representing Interests of Person Pursuant to Soldiers' and Sailors' Civil Relief Act .....	628
Journal Entry of Final Settlement [and Approval of Valid Settlement Agreement] .....	629
Receipt .....	630
Journal Entry of Final Discharge .....	631

601

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of  
Richard Roe, Deceased

}  
No. \_\_\_\_\_

(Petition Pursuant to K.S .A. Chapter 59)

PETITION FOR ISSUANCE OF LETTERS OF ADMINISTRATION

COMES NOW Jane Roe, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 1, Hometown, Kansas 66648

2. Petitioner has an interest in decedent's Estate as surviving spouse and one of the heirs of Richard Roe, deceased.

3. Richard Roe died intestate at Hometown, Kansas, on July 3, 1986; at the time of death decedent was a resident of Apache County, Kansas, and a citizen of the United States.

4. The names, ages, relationships, residences and addresses of the heirs of the decedent so far as known or can with reasonable diligence be ascertained are:

Name	Age	Relationship	Residential Address	Mailing Address
Jane Roe	Adult	Wife	Route 1, Hometown, Kansas 66648	Same
Susan R. Brown	Adult	Daughter	Dry Creek, Colorado 79100	Same
George J. Roe	Adult	Son	Dry Creek, Colorado 79100	Same
Harry J. Roe	Adult	Son	1220 Main Street, Metropolis, Kansas 66650	Same

5. The names and addresses of the duly appointed legal representatives of the heirs above named so far as known or can with reasonable diligence be ascertained are:

Name	Representative Capacity	Address
(NONE)		

6. So far as known or can with reasonable diligence be ascertained the decedent had no spouse, children, issue of deceased children, or other heirs who survived, other than the persons above named.

7. Administration is not sought under the Kansas Simplified Estates Act.

8. The general character and probable value of decedent's Estate is:

Real Estate of the estimated value of \$400,000 with probable annual income of \$20,000.

Personal property of the estimated value of \$150,000.

9. The appointment of an Administrator is necessary for the collection, conservation and administration of the Estate; Harry J. Roe, a resident of Kansas whose residence and address is 1220 Main Street, Metropolis, Kansas 66650 is a suitable and competent person to be granted Letters of Administration.

WHEREFORE, the Petitioner prays Letters of Administration be granted to Harry J. Roe as Administrator of the Estate of Richard J. Roe, deceased.

JANE ROE  
Petitioner

( V E R I F I C A T I O N )

See Form 103

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
(913) 555-0000  
Hometown, Kansas 66648  
Attorneys for Petitioner



*Reference:* K.S.A. 59-501; 59-504; 59-505; 59-506; 59-507; 59-508; 59-509; 59-511; 59-705; 59-706; 59-1101; 59-2103; 59-2201; 59-2202; 59-2203; 59-2204; 59-2219; 59-2221; 59-2223; 59-2239; S. Ct. Rule No. 111.

*Time:* Any time after death, except in the case of a creditor's Petition.

*Comment:* The Petitioner should recite the names, ages, relation ships and addresses of all heirs, irrespective of their entitlement to benefits, so far as known or with reasonable diligence can be ascertained.

If the Peitioner is a corporation, see form 1201 for a form of corporate verification.

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602

**NOTICE IN INTESTATE PROCEEDINGS**

If notice to heirs is to be published see the following forms:

<i>Form No.</i>	<i>Title</i>
504	Order for Hearing & Notice to Creditors
505	Notice of Hearing & Notice to Creditors
506	Affidavit of Service
507	Affidavit of Publication

If notice to heirs is to be given by mail or other method as the court directs, see the following forms:

<i>Form No.</i>	<i>Title</i>
508	Order for Hearing and For Notice to Creditors
509	Notice of Hearing
510	Affidavit of Service
511	Notice to Creditors
512	Affidavit of publication

If heirs have filed voluntary entries of appearance and waivers of notice, see the following forms:

<i>Form No.</i>	<i>Title</i>
513	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
514	Order for Hearing and for Notice to Creditors
515	Notice to Creditors
516	Affidavit of Publication

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603

**PROCEEDINGS FOR APPOINTMENT OF GUARDIAN AD LITEM**

If waivers are not obtainable, see the following forms, if applicable, for use:

<i>Form No.</i>	<i>Title</i>
517	Petition for Appointment of Guardian Ad Litem
518	Order for Hearing
519	Order Appointing Guardian Ad Litem
520	Voluntary Entry of Appearance and Waiver of Notice [and Bond]
521	Written Defenses of Guardian Ad Litem

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604

**PROCEEDINGS UNDER SOLDIERS' & SAILORS' CIVIL RELIEF ACT**

The forms relating to proceedings under the Soldiers' and Sailors' Civil Relief

Act are in the section containing the Testate Forms. The pertinent forms are numbered 522 to 527 and are titled as follows:

Form No.	Title
522	Affidavit Pursuant to Soldiers'and Sailors' Civil Relief Act
523	Petition for Appointment of Attorney Pursuant to Soldiers'and Sailors' Civil Relief Act
	or
	Petition for Appointment of Attorney to Represent Unknown Person in Service Pursuant to Soldiers'and Sailors' Civil Relief Act
524	Order for Hearing
525	Order Appointing Attorney to Represent Interests of Person Pursuant to Soldiers'and Sailors' Civil Relief Act
526	Voluntary Entry of Appearance and Waiver of Notice [and Bond]
527	Written Defenses of Attorney Representing Interests of Person Pursuant to Soldiers'and Sailors' Civil Relief Act

---

605

(CAPTION)

#### ORDER APPOINTING ADMINISTRATOR

On July 15, 1987, comes on for hearing the Petition for Issuance of Letters of Administration filed herein by Jane Roe.

The Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. Harry J. Roe appears in person. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs.

2. Notice of this hearing has been waived in writing by all interested parties, which waivers have been filed and are hereby approved. [Given as required by law and the Order of this Court and that proof thereof has been duly filed herein and is hereby approved.]

3. The allegations of the Petition are true.

4. All the terms and provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, have been complied with as to any interested person or persons who are in the service of the United States or its allies.

5. Richard Roe died intestate at Hometown, Kansas, on the July 3, 1986; at the time of death decedent was a resident of Apache County, Kansas, and a citizen of the United States, leaving an estate to be administered herein.

6. Harry J. Roe, who is a resident of Apache County, Kansas, and whose post office address is 1220 Main Street, Metropolis, Kansas, is a suitable and competent person to be granted Letters of Administration.

7. Administration is not sought under the Kansas Simplified Estates Act.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) Harry J. Roe is appointed Administrator, of the Estate of Richard Roe, deceased, and upon the filing of an oath and corporate surety bond in the amount of \$212,500.00, Letters of Administration be granted.

A. L. MANN

JUDGE

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-705; 59-706; 59-1101; 59-1104; 59-2232; S. Ct. Rule 111.

*Time:* The Order Admitting Will to probate should be filed at the conclusion of the hearing and upon determination of the matter by the Court.

*Comment:* If notice was not waived use the bracketed material in paragraph 2 which appears in the findings.

If bond is excused for any reason set forth in K.S.A. 59-1104, recite that reason in the order.

K.S.A. 59-705 sets out the priority of persons to whom administration may be granted. K.S.A. 59-706 does not allow a nonresident administrator.

606

(CAPTION)

OATH OF ADMINISTRATION

STATE OF KANSAS

COUNTY OF APACHE

} ss:

I, Harry J. Roe, do solemnly swear I will faithfully, and impartially and to the best of my ability discharge all the duties of my trust according to law as Administrator of the Estate of Richard Roe, deceased, I am acting on my own behalf and not on behalf of any bank or corporation organized or having its principal place of business outside the State of Kansas.

HARRY J. ROE

SUBSCRIBED AND SWORN to before me on July 15, 1986.

NEVA WRIGHT

Notary Public

(SEAL)

My Appointment Expires:

January 10, 1990

*Reference:* K.S.A. 59-1702; 59-2232; S. Ct. Rule No. 111.

*Time:* The Oath must be filed before Letters of Administration can be granted.

---

607

(CAPTION)

**BOND OF ADMINISTRATOR**

KNOW ALL PERSONS BY THESE PRESENTS:

We, Harry J. Roe as principal and Ace Bonding Company, Inc. as surety, are bound unto the State of Kansas in the sum of \$212,500.00 to the payment of which we bind ourselves, our personal representatives and their successors.

The condition of the above obligation is such that the above bounden Harry J. Roe has been appointed, by the District Court of Apache County, Kansas, Administrator of the Estate of Richard Roe, deceased.

Now if Harry J. Roe, the Administrator, shall faithfully discharge all the duties of trust according to law, then this obligation shall be void; otherwise it shall remain in effect.

Dated and signed by us, July 15, 1986.

HARRY J. ROE

*Principal*

Ace Bonding Co., Inc.

By: N. M. Hanna, Attorney in Fact  
*Surety*

The above Bond approved by me, July 20, 1986.

A. L. MANN

*Judge*

(S E A L)

*Reference:* K.S.A. 59-1101; 59-1102; 59-2223; S. C. Rule No. 111.

*Time:* Unless waived, the bond must be approved and filed before Letters of Administration can be granted.

*Comment:* Where corporate surety bond is filed no verification of surety is necessary. If personal surety bond is filed follow generally form 1105 in the Special Administration Series.

Some courts require a power of attorney to be attached to the bond to show the attorney-in-fact had authority to execute the corporate surety bond.

---

608

(CAPTION)

**LETTERS OF ADMINISTRATION**

KNOW ALL PERSONS BY THESE PRESENTS:

Harry J. Roe, a resident of Hometown, Apache County, Kansas, having been appointed and qualified as Administrator of the Estate of Richard Roe, deceased, is

hereby granted Letters of Administration in the Estate, with full power and authority as provided by law.

IN WITNESS WHEREOF, I, A. L. Mann, Judge of the District Court have subscribed my name and affixed the seal of the Court at Metropolis, in Apache County, Kansas, this July 20, 1986.

A. L. MANN

JUDGE

(SEAL)

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
913 555-0000  
Attorneys for Administrator

---

*Reference:* K.S.A. 59-2232; S. Ct. Rule No. 111.

*Time:* The Letters of Administration shall be granted as soon as the Oath and Bond are approved and filed.

---

609

#### INVENTORY AND VALUATION

See Form No. 543, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

610

(CAPTION)

#### REPORT OF APPOINTMENT AND PETITION FOR APPROVAL OF APPRAISER

COMES NOW Harry J. Roe, the Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is 1220 Main Street, Metropolis, Kansas 66650.

2. Petitioner is the duly appointed, qualified and acting Administrator of the Estate of Richard Roe, deceased, by virtue of Letters of Administration granted by the Court on August 15, 1986.

3. As administrator of the estate, I have an interest in the estate and request that R. E. Dealer be appointed to conduct an independent appraisal of the following items in the estate of Richard Roe, deceased:

- a. All real estate,
- b. The retail produce business, and
- c. All farm machinery.

4. By the authority of K.S.A. 59-1202, I appoint R. E. Dealer, appraiser, to appraise the above listed items.

5. The appointed appraiser should be approved.

WHEREFORE, Petitioner prays that the appointed appraiser be approved.

HARRY J. ROE

*Petitioner*

(V E R I F I C A T I O N)

(See form 103)

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 8884S  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-1202; S. Ct. Rule No. 111.

*Time:* Upon request by party with an interest in the Estate.

*Comment:* One or more, but not to exceed three, appraisers shall be appointed.

611

(CAPTION)

ORDER FOR HEARING

See Form 518, as to: (1) Form and  
(2) Time.

*Reference:* K.S.A. 59-1202; 59-2204; 59-2208; S. Ct. Rule 111.

612

(CAPTION)

ORDER APPROVING APPOINTED APPRAISER

On August 30, 1986, comes on for hearing the Petition for Approval of Appraiser. Petitioner appears by attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds:

1. Notice of the time and place of the hearing is not necessary or required by law.

2. The allegations of the Petition are true.

3. Harry J. Roe, a person having an interest in the estate as administrator, has requested an independent appraisal of the following items in the estate of Richard Roe, deceased:

(a) All real estate,

(b) The retail produce business, and

(c) All farm machinery.

4. No good cause has been shown why the appointed appraiser should not be approved.

5. By the authority of K.S.A. 59-1202, I approve the appointment of R. E. Dealer, appraiser, to appraise the above listed items.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

The above findings are hereby made a part of the order and decree of this court and R. E. Dealer is approved as appraiser.

A. L. Mann  
\_\_\_\_\_  
Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER AND TRYOR  
BY: W. B. PLEADER  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

Reference: K.S.A. 59-1202; S. Ct. Rule No. 111.

613

(CAPTION)

CERTIFICATE OF APPRAISER

I, the undersigned appraiser, being first duly sworn, upon my oath, hereby depose and certify I have appraised at its full and fair value, according to law, the following items in the estate of Richard Roe, deceased:

(a) All real property, as follows:

	Description	Value
1.	<u>Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less, Apache County, Kansas.....</u>	<u>\$130,000.00</u>
2.	<u>The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas. . .</u>	<u>\$ 32,000.00</u>
3.	<u>The Northwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas. . .</u>	<u>\$ 32,000.00</u>
4.	<u>The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas. . .</u>	<u>\$ 32,000.00</u>
5.	<u>The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas. . .</u>	<u>\$ 32,000.00</u>

(b) The retail produce business, as follows:

1.	<u>Inventory of retail produce business .....</u>	<u>\$ 1,900.00</u>
2.	<u>Furniture, fixtures and equipment used in retail produce business .....</u>	<u>\$ 1,000.00</u>

(c) All farm machinery, as follows:

1.	1978 John Deere 5040 Tractor .....	\$ 10,000.00
2.	1980 Sunflower 12' Disc .....	\$ 4,000.00
3.	1979 IHC Planter .....	\$ 3,000.00
4.	Miscellaneous Tools & Equipment .....	\$ 2,000.00

as described in the Inventory and Valuation of July 3, 1986, the date of the death of the decedent, and have set the value opposite each item; I have made the appraisements honestly and impartially and to the best of my ability.

\_\_\_\_\_  
R. E. Dealer

SUBSCRIBED AND SWORN to before me on October 20, 1986.

\_\_\_\_\_  
NEVA WRIGHT

\_\_\_\_\_  
Notary Public

My Appointment Expires:  
January 10, 1990

*Reference:* K.S.A. 59-1201; 59-1202; 59-1206; S. Ct. Rule 111.

*Time:* Appraisers shall file the appraisal within 30 days of the appointment.

*Comment:* Generally, the appraisers are paid at the time they make the appraisal and payment is reported in the final accounting.

614

(CAPTION)

VALUATION AND INDEPENDENT APPRAISEMENT

I. PROBATE ASSETS:

SCHEDULE "A"

REAL ESTATE

Item No.	Description	Valuation by Fiduciary as of <u>July 3, 1986</u>	Appraised Value as of <u>July 3, 1986</u>
1.	Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less, Apache County, Kansas .....	\$130,000.00	\$130,000.00
2.	The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas .....	\$ 32,000.00	\$ 32,000.00
3.	The Northwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas .....	\$ 32,000.00	\$ 32,000.00
4.	The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas .....	\$ 32,000.00	\$ 32,000.00



5. The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas .....	\$ 32,000.00	\$ 32,000.00
Total Schedule "A" .....	\$258,000.00	

SCHEDULE "B"

STOCKS AND BONDS  
(Corporate Stock)

Item No.	Description	Cert. No.	Unit Value	Valuation by Fiduciary as of July 3, 1986
1.	Shares Common Stock, Kansas Power & Light Co.	508	\$40 per share	\$ 12,000.00

BONDS

Item No.	Description	Serial No.	Date of Purchase	Value at Maturity	Valuation by Fiduciary as of July 3, 1986
1.	U. S. Savings Bond	V8335394HHH	10-01-82	5,000.00	\$ 5,000.00
2.	U. S. Savings Bond	X4625318EE	06-01-83	10,000.00	\$ 6,060.00
3.	U. S. Savings Bond	X4625927EE	01-01-84	10,000.00	\$ 5,832.00
4.	Lenexa KS Indl. Rev. Series 1978 Volume Shoe Corp. Project cpn. 6.25 Due 05-01-98	76259	07-01-70	5,000.00	\$ 4,200.00
	Accrued interest to 07-31-86 (63 days)				\$ 53.79
	Total Schedule "B" .....				\$30,145.79

SCHEDULE "C"

MORTGAGES, NOTES AND CASH

Item No.	Description	Valuation by Fiduciary as of July 3, 1986
1.	Principal balance due on Promissory Note dated July 1, 1975, signed by Frank Johnston and Mary Johnston, his wife, in the original amount of \$10,000.00, with interest at seven percent per annum simple interest on the unpaid balance .....	\$ 2,310.00
	Accrued interest to July 3, 1986 (2 days).....	\$ .89
2.	Cash on person of decedent at time of death .....	\$ 42.00
3.	Balance in decedent's checking account, #158-812 The Hometown State Bank, Hometown, Kansas.....	\$ 1,000.00
4.	Balance in Savings Account No. 7654, 5 ½% qtr. comp., The Hometown State Bank, Hometown, Kansas .....	\$12,000.00
	Accrued interest to July 3, 1986 (2 days).....	\$ 3.62
5.	\$20,000 Certificate of Deposit No. 6256 Loyal Federal Savings at 11.75%, compounded daily on 365/360 basis, 48 mos. maturing 10-01-86 with ac- crued interest for 1,370 days .....	\$31,274.78
	Total Schedule "C" .....	\$46,631.29

SCHEDULE "D"

INSURANCE

Item No.	Description	Valuation by Fiduciary as of July 3, 1986
1.	Life Insurance Policy, No. 296011, Long Life Insurance Company, Coral Gables, Florida. Named Beneficiary, Estate.....	\$10,000.00
	Total Schedule "D" .....	\$10,000.00

SCHEDULE "F"

MISCELLANEOUS PROPERTY			
Item No.	Description	Valuation by Fiduciary as of July 3, 1986	Appraised Value as of July 3, 1986
1.	The furniture, household goods and wearing apparel situated in the home of the decedent at the time of death . . . . .	\$ 1,500.00	
2.	One 1979 Model Chevrolet 4-dr. sedan, Id. No. 1234567890 . . . . .	\$ 1,750.00	
3.	One 1978 Model Ford 1/2 ton pickup truck, Id. No. 0987654321 . . . . .	\$ 1,600.00	
4.	Approximately 10 tons of fertilizer . . . . .	\$ 1,500.00	
5.	Farm machinery, tools and equipment		
	One 1978 John Deere 5040 Tractor . . . . .	\$10,000.00	\$10,000.00
	One 1980 Sunflower 12' Disc . . . . .	\$ 4,000.00	\$ 4,000.00
	One 1979 IHC Planter . . . . .	\$ 3,000.00	\$ 3,000.00
	Miscellaneous Tools & Equipment . . . . .	\$ 2,000.00	\$ 2,000.00
6.	Inventory of retail produce business . . . . .	\$ 1,900.00	\$ 1,900.00
7.	Furniture, fixtures and equipment used in retail produce business . . . . .	\$ 1,000.00	\$ 1,000.00
8.	Stamp collection . . . . .	\$ 1,000.00	
9.	Approximately one thousand bushels of wheat . . . . .	\$ 2,600.00	
10.	Annual Crops, growing . . . . .	\$ 4,000.00	
	Total Schedule "F" . . . . .		\$35,850.00

RECAPITULATION OF PROBATE ASSETS	
Schedule "A" Real Estate . . . . .	\$258,000.00
Schedule "B" Stocks & Bonds . . . . .	\$ 33,145.79
Schedule "C" Mortgages, Notes & Cash . . . . .	\$ 46,631.29
Schedule "D" Insurance . . . . .	\$ 10,000.00
Schedule "F" Miscellaneous Property . . . . .	\$ 35,850.00
Total Probate Assets . . . . .	\$383,627.08

II. NONPROBATE ASSETS:  
(For Informational Purposes Only)

SCHEDULE "E"

JOINTLY OWNED PROPERTY			
Item No.	Description		Valuation by Fiduciary as of July 3, 1986
1.	The residence of the decedent located on the Northeast quarter of Section 26, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less, Apache County, Kansas, owned by Richard Roe and Jane Roe, as joint tenants . . . . .		\$86,000.00
	less one-half qualified joint tenancy interest with spouse . . . . .		(\$43,000.00)
2.	Hometown State Bank—Certificate of Deposit, owned by Richard Roe and Jane Roe, as joint tennants		
Cert. #	Issue date	Maturity date	Interest last paid
5600	8-1-80	8-1-87	6-1-86
	8% daily comp. on 365/365 basis		\$25,000.00
	Accrued interest to July 3, 1986 (33 days) . . . . .		\$ 175.94
	less one-half qualified joint tenancy interest with spouse . . . . .		\$(12,587.97)
	Total Schedule "E" . . . . .		\$55,587.97

SCHEDULE "G"

TRANSFERS

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary as of <u>July 3, 1986</u></i>
	( N O N E )	

SCHEDULE "H"

POWERS OF APPOINTMENT

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary as of <u>July 3, 1986</u></i>
	( N O N E )	

SCHEDULE "I"

ANNUITIES

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary as of <u>July 3, 1986</u></i>
	( N O N E )	

RECAPITULATION OF NONPROBATE ASSETS

Schedule "E" Jointly Owned Property.....	\$ 55,587.97
Schedule "G" Transfers.....	\$ 0.00
Schedule "H" Powers of Appointment.....	\$ 0.00
Schedule "I" Annuities .....	\$ 0.00
Total Nonprobate Assets.....	<u>\$ 55,587.97</u>

RECAPITULATION OF ALL ASSETS

Total Probate Assets .....	\$383,627.08
Total Nonprobate Assets.....	<u>\$ 55,587.97</u>
Total Estate.....	<u>\$439,215.05</u>

AFFIDAVIT OF ADMINISTRATOR

STATE OF KANSAS                                }  
COUNTY OF Apache                        } ss:

Jane Roe, being first duly sworn, on oath states:  
Jane Roe is the Administrator of the Estate of Richard Roe, deceased; the above and foregoing is a full, true and correct inventory and valuation of all property of the types and classifications of real and personal property located within the State of Kansas, and intangible personal property, wheresoever located, owned by Richard Roe, deceased, together with all other property of the decedent not subject to administration of this proceeding but which is required to be reported for Federal Estate and Kansas Inheritance Tax purposes, which has come into Administrator's possession or of which Administrator has knowledge.  
Made and returned by Jane Roe, Administrator of the Estate of Richard Roe, deceased, as of July 3, 1986, the date of the death of the decedent.

\_\_\_\_\_  
JANE ROE  
Administrator

SUBSCRIBED AND SWORN to before me on September 4, 1986.

NEVA WRIGHT  
*Notary Public*

My Appointment Expires:  
January 10, 1990

*Reference:* K.S.A. 59-1201; 59-1202; 59-1203; 59-1206; 59-1207; 79-1554(b); S Ct. Rule No. 111.

*Time:* The Inventory and Valuation should be made within thirty days after the appointment of the Administrator, unless the time is extended by the court.

*Comment:* See Comment to form 543.

615

ALLOWANCE OF DEMAND

The forms relating to Allowance of Demand are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 1201 to 1205 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
1201	Petition for Allowance of Demand
1202	Order for Hearing
1203	Notice of Hearing
1204	Affidavit of Service
1205	Order Allowing and Classifying Demand

616

STATUTORY ALLOWANCE

The forms relating to Statutory Allowance are in the section containing the Other Administration proceedings. The pertinent forms are numbered 1301 to 1306 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
1301	Petition for Statutory Allowance
1302	Order for Hearing
1303	Notice of Hearing
1304	Affidavit of Service
1305	Order for Statutory Allowance
1306	Receipt

### SETTING APART OF HOMESTEAD

The forms relating to Setting Apart of the Homestead are in the section containing the Other Administration proceedings. The pertinent forms are numbered 1401 to 1405 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
1401	Petition to Set Apart Homestead
1402	Order for Hearing
1403	Notice of Hearing
1404	Affidavit of Service
1405	Order Setting Apart Homestead

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### SALE OF PERSONAL PROPERTY

The forms relating to the Sale of Personal property at both Private Sale and Public Auction are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 1501 to 1508 and 1511 to 1518 and are titled as follows:

<i>Form No.</i>	<i>Title</i> <i>(Private Sale)</i>
1501	Petition for Sale of Personal Property at Private Sale
1502	Order for Hearing
1503	Notice of Hearing (If to be heard with Notice)
1504	Affidavit of Service (If to be heard with Notice)
1505	Order for Sale of Personal property at Private Sale
1506	Report of Sale of Personal Property at Private Sale <i>(Public Auction)</i>
1511	Petition for Sale of Personal Property at Public Auction
1512	Order for Hearing
1513	Notice of Hearing
1514	Affidavit of Service
1515	Order for Sale of Personal Property at Public Auction
1516	Notice of Sale
1517	Affidavit of Publication
1518	Report of Sale of Personal Property at Public Auction

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### (CAPTION)

### VALID SETTLEMENT AGREEMENT

See form 551, as to: (1) Form,  
 (2) Reference,  
 (3) Time, and  
 (4) Comment.

Additional Comment: In this situation the valid settlement agreement divided the real estate pursuant to the laws of descent and distribution but provided that the surviving spouse receive all personal property.

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SALE OF REAL ESTATE

The forms relating to the Sale of Real Estate at Public Auction are numbered 1601 to 1615. The forms relating to Sale of Real Estate at Private Sale are numbered 1621 to 1634. The forms relating to Sale of Real Estate at Private Sale (with confirmation included in order for sale) are numbered 1641 to 1654.

For a list setting forth the form, title and number, see the Table of Forms at the beginning of the book.

(CAPTION)

PETITION FOR FINAL SETTLEMENT  
[AND APPROVAL OF VALID SETTLEMENT AGREEMENT]

Comes Now Harry J. Roe, Petitioner, and alleges.

1. Petitioner is a resident of Apache County, Kansas, whose address is 1220 Main Street, Metropolis, Kansas 66650.

2. Petitioner is the duly appointed, qualified and acting Administrator of the Estate of Richard Roe, deceased, by virtue of Letters of Administration granted by the Court on August 20, 1986; more than six months have expired since the date of death of the decedent and no will has been offered for probate; more than four months have expired since the first published notice to creditors; actual notice has been given by mail to all known or reasonably ascertainable creditors; and the estate has been fully administered.

3. Richard Roe died intestate at Hometown, Kansas, on July 3, 1986; at the time of death Richard Roe was a resident of Apache County, Kansas, and a citizen of the United States.

4. Richard Roe was survived by the following named persons who, so far as known or can with reasonable diligence be ascertained, are all of Richard Roe's heirs.

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Residential Address</i>	<i>Mailing Address</i>
<u>Jane Roe</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 1, Hometown, Kansas 66648</u>	<u>Same</u>
<u>Susan R. Brown</u>	<u>Adult</u>	<u>Daughter</u>	<u>Dry Creek, Colorado 79100</u>	<u>Same</u>
<u>George J. Roe</u>	<u>Adult</u>	<u>Son</u>	<u>Dry Creek, Colorado 79100</u>	<u>Same</u>
<u>Harry J. Roe</u>	<u>Adult</u>	<u>Son</u>	<u>1220 Main Street, Metropolis, Kansas 66650</u>	<u>Same</u>

5. Decedent had no spouse or children or issue of deceased children, or other heirs who survived, other than the persons above named.

6. The following heirs have a legal disability or are in the military service. The names and addresses of their duly appointed personal representatives, so far as known or can with reasonable diligence be ascertained, are:

<i>Name</i>	<i>Name of Personal Representative</i>	<i>Representative Capacity</i>	<i>Address of Personal Representative</i>
-------------	--	--------------------------------	---

(NONE)

7. A full, true and correct account of the administration of the Estate is marked "Exhibit A" and incorporated herein by reference.

8. All taxes imposed by the State of Kansas have been paid; all demands against the estate of the decedent have been paid as authorized by law or the orders of the court, and the time for filing of demands has expired.

9. Petitioner has performed valuable services in the estate as Administrator, and shows that Pleader, Pleader & Tryor have been employed as petitioner's attorneys; these attorneys have performed valuable services in this estate and an allowance should be made for Administrator's services and the services of the attorneys as follows:

- (a) To the Administrator for compensation in the sum of \$xxx.xx and expenses in the sum of \$xxx.xx.
  - (b) To the Administrator for attorneys' fees in the sum of \$xxx.xx and their expenses in the sum of \$xxx.xx.
10. The decedent owned at the time of death, the following described real estate situated in Apache County, Kansas.

Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less.

The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Northwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

[Alternative 11. The Kansas real estate and all personal property remaining in the hands of the administrator, after payment of fees, expenses and costs and subject to any lawful disposition previously made, should be assigned and distributed under the laws of intestate succession as follows:

<i>Name</i>	<i>Proportion</i>
<u>Jane Roe</u>	<u>One-half</u>
<u>Susan Brown</u>	<u>One-sixth</u>
<u>George J. Roe</u>	<u>One-sixth</u>
<u>Harry J. Roe</u>	<u>One-sixth</u>

or

[Alternative 11. The instrument dated March 1, 1987, and filed with this petition is a "Valid Settlement Agreement" pursuant to K.S.A. 59-102(8), should be approved and should be construed to distribute the estate as follows:

(a) The Kansas real estate subject to any lawful disposition previously made should be assigned and distributed as follows:

<i>Name</i>	<i>Proportion</i>
<u>Jane Roe</u>	<u>One-half</u>
<u>Susan Brown</u>	<u>One-sixth</u>
<u>George J. Roe</u>	<u>One-sixth</u>
<u>Harry J. Roe</u>	<u>One-sixth</u>

(b) After payment of fees, expenses and costs, all of the residue of the estate should be assigned and distributed as follows:

to Jane Roe.]

WHEREFORE, Petitioner prays petitioner's acts be approved; petitioner's account be settled and allowed; heirs be determined; the [laws of intestate succession be applied] ["Valid Settlement Agreement" be construed] and the estate be assigned to the persons entitled thereto, the Court find the allowances requested for administrator's compensation and expenses and administrator's attorneys' fees and expenses are reasonable, should be allowed and ordered paid; court costs be determined and ordered paid; the administration of the estate be closed; upon the filing of receipts the petitioner be finally discharged as the Administrator of the estate of Richard Roe, deceased, and the petitioner and the surety on petitioner's bond be released from further liability.

HARRY J. ROE

*Petitioner*

(V E R I F I C A T I O N)

(See Form 103)

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

EXHIBIT "A"

Account of Jane Roe, Administrator of the Estate of Richard Roe, deceased, July 3, 1986-April 4, 1987

RECEIPTS

<i>Date</i>	<i>Received From</i>	<i>Explanation</i>	<i>Amount</i>
07-03-86	Cash	Cash on Person of Decedent . . . . .	\$ 42.00
08-05-86	Frank Johnson	Balance due on Promissory Note . . . . .	\$ 2,325.51
08-05-86	Hometown State Bank	Checking Account . . . . .	\$ 1,000.00
08-05-86	Hometown State Bank	Savings Account #7654 . . . . .	\$12,063.29
08-05-86	Hometown State Bank	Certificate of Deposit . . . . .	\$31,613.40
10-01-86	Kansas Power & Light	Dividends . . . . .	\$ 225.00
10-10-86	Long Life Ins. Co.	Policy No. 296011 . . . . .	\$10,000.00
10-10-86	Long Life Ins. Co.	Int. on insurance proceeds 100 days at 8% simple . . . . .	\$ 219.18
10-12-86	Z. Z. Smith	Sale of Ford Pickup . . . . .	\$ 1,600.00
10-12-86	U. R. Farmer	Sale of Farm Machinery, Tools & Equipment	
		One 1978 John Deere 5040 Tractor . . . . .	\$10,000.00
		One 1980 Sunflower 12' Disc . . . . .	\$ 4,000.00
		One 1979 IHC Planter . . . . .	\$ 3,000.00
		Miscellaneous Tools & Equipment . . . . .	\$ 2,000.00
10-12-86	Hometown State Bank	Redemption of U. S. Savings Bonds (\$5000, \$6308 & \$5832)	\$17,140.00
10-12-86	Hometown Elevator Co.	Sale of 1000 Bushels of Inventoried Wheat . . .	\$ 2,550.00
11-01-86	Lenexa IRB	IRB cpn . . . . .	\$ 156.25
01-01-87	Kansas Power & Light	Dividends . . . . .	\$ 240.00
03-22-87	Susan Brown	Inheritance Tax Reimbursement . . . . .	\$ 1,950.00
03-22-87	George Roe	Inheritance Tax Reimbursement . . . . .	\$ 1,950.00
03-22-87	Harry Roe	Inheritance Tax Reimbursement . . . . .	\$ 1,950.00
04-01-87	Kansas Power & Light	Dividends . . . . .	\$ 240.00



04-02-87	Stock Brokers, Inc.	Sale of KP&L Stock .....	\$12,000.00
04-02-87	Bond Brokers, Inc.	Sale of Lenexa IRB's.....	\$ 4,200.00
04-02-87	U. R. Farmer	Sale of 10 Ton Fertilizer.....	\$ 1,500.00
04-02-87	Z. Z. Smith	Sale of Retail Prod. Business .....	\$ 2,700.00
04-02-87	U. R. Farmer	Sale of Growing Crops .....	\$ 4,000.00
Total Receipts .....			\$130, 847.03

DISBURSEMENTS

Date	Paid To	Purpose	Amount
08-16-86	R. E. Dealer	Appraiser Fee & Mileage .....	\$ 86.00
09-02-86	Jane Roe	Statutory Allowance.....	\$ 7,500.00
09-03-86	Hometown General Hosp.	Hospital Bill .....	\$ 1,500.00
09-03-86	A-1 Garage	Repair Bill.....	\$ 92.00
09-03-86	Ritz Mortuary	Funeral Expenses .....	\$ 3,000.00
09-03-86	Ace Monument Company	Grave Monument (As directed by the Will)... ..	\$ 1,500.00
03-15-87	State of Kansas, Department of Revenue	Inheritance Tax for Daughter & 2 sons @ \$1,950 each .....	\$ 5,850.00
Total Disbursements .....			\$19,528.00

RECAPITULATION

Total Cash Receipts .....	\$130,847.03
Total Cash Disbursements.....	\$ 19,528.00
Cash Balance on Hand .....	\$111,319.03

The above stated cash balance on hand is carried in a checking account with the Hometown State Bank, Hometown, Kansas, under the name and style of Jane Roe, Administrator of the Estate of Richard Roe, deceased.

Including the cash balance belonging to the Estate of \$111,319.03, the Administrator accounts for the following items of personal property belonging to the Estate of the decedent as follows:

- (a) Cash Balance \$111,319.03.
- (b) Personal Property in Administrator's custody:  
Stamp Collection
- (c) Personal property previously distributed pursuant to: "Order for Statutory Allowance," dated September 2, 1986, 1979 Chevrolet, furniture, household goods, wearing apparel, and \$7,500 cash.

**Reference:** K.S.A. 59-1401; 59-1501; 59-1502; 59-2204; 59-2247; 59-2249; 79-303; 79-1522; 79-1541; 79-2903; 79-3112; 79-3220(d); Internal Revenue Code Section 2002 and Internal Revenue Code Section 641(b); S. Ct. Rule No. 111.

**Time:** The Petition for Final Settlement must be filed in accordance with K.S.A. 59-1501.

**Comment:** The Petition should recite the names, ages, relationships and addresses of all heirs, so far as known or can with reasonable diligence be ascertained.

If no interested party is in the service, an Affidavit pursuant to Soldiers' and Sailors' Civil Relief Act, form 522, must be filed on or before the date of the hearing on the petition. Similarly, if interested parties are in the service or under any legal disability, written defenses are required. See generally forms 521 and 527.

If there are legal representatives, they must be named and notice must be given to each of them.

If the fiduciary had not collected the inheritance taxes directly from each child, the fiduciary would need to withhold from each child's distributive share his or her inheritance taxes.

A listing of all personal property that is to be distributed in kind should be included in the petition and journal entry. It is especially important that all titled property be clearly identified.

A valid settlement agreement must be certified as filed before the Inheritance Tax Division will consider the distribution for purposes of computing the inheritance taxes.

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622

**ORDER FOR HEARING**

See Form 553, as to: (1 ) Form,  
(2) Reference, and  
(3) Time.

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623

First published in the Metropolis Herald, Monday, May 8, 1987  
**IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS**

In the Matter of the Estate of  
John Doe, Deceased

}

No. 4000

**NOTICE OF HEARING**

**THE STATE OF KANSAS TO ALL PERSONS CONCERNED:**

You are hereby notified a petition has been filed in this Court by Harry J. Roe, duly appointed, qualified and acting Administrator of the Estate of Richard Roe, deceased, praying petitioner's acts be approved; account be settled and allowed; the heirs be determined; the Estate be assigned to the persons entitled thereto pursuant [to the laws of intestate succession] [to the valid settlement agreement]; fees and expenses be allowed; costs be determined and ordered paid; the administration of the Estate be closed; the Administrator be discharged and petitioner [and the surety on administrator's bond] be released from further liability.

You are required to file your written defenses thereto on or before June 1, 1987, at 10:00 a.m. in the District Court, Metropolis, Apache County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the Petition.

HARRY J. ROE  
**ADMINISTRATOR**

PLEADER, PLEADER, & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Administrator

TO THE PUBLISHER: Please publish for three consecutive Mondays, commencing May 8, 1987. Immediately after the first publication, please forward \_\_\_\_\_copies of the above and foregoing Notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas 66648. Immediately after the third publication, make your proof of publication to the District Court, Courthouse, with copy to this office.

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*Reference:* K.S.A. 59-2208; 59-2209; 59-2210; 59-2247; S. Ct. Rule 111.

*Time:* When the petition is filed.

*Comment:* When title to real estate is to be assigned by the court the notice of hearing shall be pursuant to K.S.A. 59-2209. When title to real estate is not to be assigned by the court the notice of hearing shall be given or waived as provided in K.S.A. 59-2208 and amendments thereto.

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624

**AFFIDAVIT OF SERVICE**

See form 506, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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625

**AFFIDAVIT OF PUBLICATION**

See form 507, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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626

**WRITTEN DEFENSES OF GUARDIAN AD LITEM**

See Form 521, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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**AFFIDAVIT PURSUANT TO SOLDIERS'  
AND SAILORS' CIVIL RELIEF ACT**

See Form 542, as to: (1) Form,  
(2) Reference, and  
(3) Comment.

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**WRITTEN DEFENSES OF ATTORNEY REPRESENTING  
INTERESTS OF PERSON PURSUANT TO SOLDIERS'  
AND SAILORS' CIVIL RELIEF ACT**

See Form 527, as to: (1) Form, and  
(2) Time.

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(CAPTION)

**JOURNAL ENTRY OF FINAL SETTLEMENT  
[AND APPROVAL OF VALID SETTLEMENT AGREEMENT]**

On June 1, 1987, comes on for hearing the Petition for Final Settlement [and Approval of Valid Settlement Agreement] filed by Harry Roe, Administrator of the Estate of Richard Roe, deceased.

The Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. —  
\_\_\_\_\_. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs and creditors.
2. Notice of this hearing has been given as required by law and the order of this Court and proof thereof has been duly filed herein and is hereby approved.
3. The allegations of the Petition are true.
4. All the terms and provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, have been complied with as to any interested person or persons who are in the service of the United States or its allies.
5. All taxes imposed by the State of Kansas have been paid; actual notice has been given by mail to all known or reasonably ascertainable creditors; all demands against the estate of the decedent have been paid as authorized by law or the orders of the Court, and the time for filing of demands has expired.
6. Decedent owned at death, the following described real estate situated in Apache County, Kansas:

Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less.

The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Northwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

7. Petitioner has filed herein a full and complete accounting of receipts and disbursements as Administrator, which are summarized as follows:

Receipts.....	\$130,847.03
Disbursements.....	\$ 19,528.00
Balance Cash on Hand .....	<u>\$111,319.03</u>

The Petitioner, since filing the Petition for Final Settlement has received the following:

<u>Lenexa IRB cpn</u> .....	<u>\$156.25</u>
<u>Rent</u> .....	<u>\$250.00</u>
<u>KP&amp;L Refund</u> .....	<u>\$ 20.00</u>
<u>Telephone Refund</u> .....	<u>\$ 6.00</u>
<u>TOTAL</u> .....	<u>\$432.25</u>

made the following disbursements.

<u>Gas Bill</u> .....	<u>\$57.50</u>
<u>Payment of State Intangibles Tax</u> .....	<u>\$126.00</u>
<u>TOTAL</u> .....	<u>\$183.00</u>

leaving a balance on hand of \$111,568.28

8. The account attached to the petition and the above supplemental account should be settled and allowed. All of the acts and proceedings of the Administrator have been in accordance with the law and the orders of this Court and are approved.

9. The names, ages and relationships of the heirs who are entitled to the Estate and their respective proportions are:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Proportion</i>
<u>Jane Roe</u>	<u>Adult</u>	<u>Wife</u>	<u>One-half</u>
<u>Susan R. Brown</u>	<u>Adult</u>	<u>Daughter</u>	<u>One-sixth</u>
<u>George J. Roe</u>	<u>Adult</u>	<u>Son</u>	<u>One-sixth</u>
<u>Harry J. Roe</u>	<u>Adult</u>	<u>Son</u>	<u>One-sixth</u>

[Alternative 10. The Kansas real estate and all personal property remaining in the hands of the administrator, after payment of fees, expenses and costs and subject to any lawful disposition previously made, should be assigned and distributed under the laws of intestate succession as follows:

<i>Name</i>	<i>Proportion</i>
<u>Jane Roe</u>	<u>One-half</u>
<u>Susan Brown</u>	<u>One-sixth</u>
<u>George J. Roe</u>	<u>One-sixth</u>
<u>Harry J. Roe</u>	<u>One-sixth</u>

or

[Alternative 10. The instrument dated March 1, 1987, and filed with this petition is a "Valid Settlement Agreement" pursuant to K.S.A. 59-102(8), should be approved and should be construed to distribute the estate as follows:

(a) The Kansas real estate subject to any lawful disposition previously made should be assigned and distributed as follows:

<i>Name</i>	<i>Proportion</i>
<u>Jane Roe</u>	<u>One-half</u>
<u>Susan Brown</u>	<u>One-sixth</u>
<u>George J. Roe</u>	<u>One-sixth</u>
<u>Harry J. Roe</u>	<u>One-sixth</u>

(b) After payment of fees, expenses and costs all the residue of the estate should be assigned and distributed as follows:

to Jane Roe.]

11. Harry J. Roe is entitled to compensation for services as Administrator; Harry J. Roe has employed Pleader, Pleader & Tryor as attorneys in this estate, there are costs due this Court; the following fees, expenses and costs are reasonable and should be paid:

- (a) To the Administrator for services in the sum of \$xxx.xx and expenses in the sum of \$xxx.xx.
- (b) To the Administrator for attorneys' fees in the sum of \$xxx.xx and their expenses in the sum of \$xxx.xx.
- (c) To the Court for costs in the sum of \$xxx.0.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) The accounts of Harry J. Roe, Administrator of the Estate of Richard Roe, deceased, are settled and allowed and all of the acts and proceedings are approved and Harry J. Roe is authorized and directed to pay the fees, expenses and costs set out in paragraph 11 above, and after payment thereof there remains a balance of \$xxx.xx.

[Alternative C. The following described real estate situated in Apache County, Kansas:

Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less.

The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Northwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

and all other Kansas real estate and all personal property remaining in the hands of the administrator, after payment of fees, expenses and costs and subject to any lawful disposition previously made, including but not limited to:

Stamp Collection

is hereby assigned and distributed under the laws of intestate succession as follows:

<i>Name</i>	<i>Proportion</i>
<u>Jane Roe</u>	<u>One-half</u>
<u>Susan Brown</u>	<u>One-sixth</u>
<u>George J. Roe</u>	<u>One-sixth</u>
<u>Harry J. Roe</u>	<u>One-sixth]</u>

[Alternative C. The instrument dated March 1, 1987, and filed with this petition is a "Valid Settlement Agreement" pursuant to K.S.A. 59-102(8), is hereby approved and is construed to distribute the estate as follows:

(1) The following described real estate situated in Apache County, Kansas:

Section 15, Township 20 South, Range 30 West of the 6th P.M., containing 640 acres more or less.

The Northeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Northwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Southeast quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

The Southwest quarter of Section 10, Township 20 South, Range 30 West of the 6th P.M., containing 160 acres more or less.

and all other Kansas real estate owned by the decedent at the time of death, subject to any lawful disposition previously made, is hereby assigned and distributed to the following persons:

<i>Name</i>	<i>Proportion</i>
<u>Jane Roe</u>	<u>One-half</u>
<u>Susan Brown</u>	<u>One-sixth</u>
<u>George J. Roe</u>	<u>One-sixth</u>
<u>Harry J. Roe</u>	<u>One-sixth</u>

(b) After payment of fees, expenses and costs, all the residue of the estate including but not limited to: Stamp Collection should be assigned as follows:  
to Jane Roe.]

(D) Upon the filing of proper receipts, the administration of the Estate shall be closed, Harry J. Roe shall be finally discharged as Administrator of the Estate of Richard Roe. deceased, and together with the surety on Harry J. Roe's bond shall be released from further liability.

A. L. MANN

Judge

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR  
By: W. B. Pleader  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Administrator

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*Reference:* K.S.A. 59-2249; S. Ct. Rule No. 111.

*Time:* The Journal Entry of Final Settlement shall not be entered sooner than six months after the date of death of the decedent and not sooner than four months after the first publication of the Notice of Appointment, whichever is later.

*Comment:* If assets include personal property to be distributed in kind, appropriate description and assignment should be contained in the Journal Entry to satisfy requirements for transfer of title.

If less than 10 years have elapsed since date of death no decree shall be entered until after the determination and payment of inheritance tax, if any.

Federal tax law provides for personal liability of the personal representative until an estate tax closing letter is obtained.

A valid settlement agreement must be certified as filed before the Inheritance Tax Division will consider the distribution for purposes of computing the inheritance taxes.

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630

#### R E C E I P T

See Form 561, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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631

#### JOURNAL ENTRY OF FINAL DISCHARGE

See Form 562, as to: (1) Form,  
(2) Reference, and  
(3) Time.

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# SIMPLIFIED ADMINISTRATION ACT

<i>Title</i>	<i>Form No.</i>
Last Will and Testament of <u>Joe Brown</u> .....	701
Consent of Spouse .....	702
Petition for Probate of Will and Issuance of Letters Testamentary Under the Kansas Simplified Estates Act .....	703
Preface to Forms 704-716	
Notice Ordered Pursuant to K.S.A. 59-2209:	
Order for Hearing and for Notice to Creditors .....	704
Notice of Hearing and Notice to Creditors .....	705
Affidavit of Service .....	706
Affidavit of Publication .....	707
Notice Ordered by Mail or Otherwise: .....	
Order for Hearing and for Notice to Creditors .....	708
Notice of Hearing .....	709
Affidavit of Service .....	710
Notice to Creditors .....	711
Affidavit of Publication .....	712
Notice Waived: .....	
Voluntary Entry of Appearance and Waiver of Notice [and Bond] ...	713
Order for Hearing and For Notice to Creditors .....	714
Notice to Creditors .....	715
Affidavit of Publication .....	716
Guardian Ad Litem Forms .....	717
Soldiers' & Sailors' Civil Relief Act Forms .....	718
Forms Relating to Proof of Will .....	719
Order Admitting Will to Probate and .....	720
Issuing Letters <u>Testamentary</u> Under the Kansas Simplified Estates Act .....	720
Certificate Pursuant to K.S.A. 59-2233 .....	721
Oath of <u>Executor</u> .....	722
Bond .....	723
Letters <u>Testamentary</u> Issued Under the Kansas Simplified Estates Act .....	724
Inventory and Valuation .....	725
Election to Take by Intestate Succession .....	726
Allowance and Classification of Demand .....	727
Statutory Allowance .....	728
Setting Apart Homestead .....	729
Sale of Personal Property .....	730
Sale of Real Estate .....	731
Petition for Judicial Determination of <u>Statutory Allowance</u> .....	732
Order for Hearing .....	733
Notice of Hearing .....	734
Affidavit of Service .....	735
Judicial Determination of <u>Statutory Allowance</u> .....	736
Petition for Supervised Administration .....	737
Order for Hearing .....	738
Notice of Hearing .....	739

<i>Title</i>	<i>Form No.</i>
Affidavit of Service .....	740
Order for Supervised Administration .....	741
Letters Testamentary .....	742
Closing of Estate Under Kansas Simplified Estates .....	743

701

**LAST WILL AND TESTAMENT OF JOE BROWN**

No Will is suggested for the same reasons as set forth in form 501 of these forms. Joe Brown provided that his probate assets would be distributed as follows:

- (a) One-half to his wife.
- (b) The remaining one-half to be divided equally among his children.

He designated his wife as Executor, to serve without bond; and included a "Consent of Spouse."

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*Comment:* Although the following forms have been prepared for use in a testate administration under the Kansas Simplified Estates Act it is contemplated that the practitioner could adapt the following forms for use in an intestate administration under the Kansas Simplified Estates Act. For that reason no separate forms have been prepared for an intestate situation under the Kansas Simplified Estates Act.

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702

**CONSENT OF SPOUSE**

See Form 502, as to: (1) Form,  
(2) Reference, and  
(3) Comment.

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703

**IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS**

In the Matter of the Estate of

Joe Brown, Deceased

(Petition Pursuant to K.S.A. Chapter 59)

}

No. 8888

**PETITION FOR PROBATE OF WILL AND ISSUANCE OF LETTERS  
TESTAMENTARY UNDER THE KANSAS SIMPLIFIED ESTATES ACT**

COMES NOW Sue Brown, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 2, Hometown, Kansas 66648.
2. Petitioner has an interest in decedent's Estate as an heir, devisee and legatee, and as executor named in the "Last Will and Testament of Joe Brown", deceased, dated April 15, 1986.

3. Joe Brown died testate at Hometown, Kansas, on July 3, 1986; at the time of death decedent was a resident of Apache County, Kansas, and a citizen of the United States.

4. The names, ages, relationships, residences and addresses of the heirs of the decedent so far as known or can with reason able diligence be ascertained are:

Name	Age	Relationship	Residence Address	Mailing Address
I. <u>Sue Brown</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 2</u> <u>Hometown, KS 66648</u>	<u>Same</u>
II. <u>Richard Brown</u>	<u>Adult</u>	<u>Son</u>	<u>101 West 1st Street</u> <u>Hometown, KS 66648</u>	<u>Same</u>
III. <u>Gerald Brown</u>	<u>Adult</u>	<u>Son</u>	<u>222 South Main Street</u> <u>Hometown, KS 66648</u>	<u>Same</u>
IV. <u>Phillip Brown</u>	<u>Adult</u>	<u>Son</u>	<u>1700 Kansas Street</u> <u>Hometown, KS 66648</u>	<u>Same</u>

5. So far as known or can with reasonable diligence be ascertained decedent had no spouse, children, issue of deceased children or other heirs who survived the decedent other than the persons above named.

6. The written instrument dated April 15, 1986, [including a written instrument disposing of tangible personal property referred to therein] and filed with this petition is the last will and testament of the decedent; the same had a legal existence and remained unrevoked at the time of death and at the time of the execution thereof decedent was of legal age, of sound mind, and not under restraint.

7. Administration is sought under the Kansas Simplified Estates Act for the following reasons:

(Consider K.S.A. 59-3202 and insert and describe the specific reasons for seeking administration under the Kansas Simplified Estates Act).

History:

8. The name, residence and address of the named executor of the Will is:

Name	Residence Address	Mailing Address
<u>Sue Brown</u>	<u>Apache County, KS</u>	<u>Route 2, Hometown, KS 66648</u>

9. The name and address of the scrivener of the Will is:

Name	Address
<u>W. B. Pleader</u>	<u>The Hometown State Bank Building, Hometown, KS 66648</u>

10. The names, ages, relationships, residences and addresses of the devisees and legatees so far as known or can with reasonable diligence be ascertained are:

Name	Age	Relationship	Residence Address	Mailing Address
I. <u>Sue Brown</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 2</u> <u>Hometown, KS 66648</u>	<u>Same</u>
II. <u>Richard Brown</u>	<u>Adult</u>	<u>Son</u>	<u>101 West 1st Street</u> <u>Hometown, KS 66648</u>	<u>Same</u>
III. <u>Gerald Brown</u>	<u>Adult</u>	<u>Son</u>	<u>222 South Main Street</u> <u>Hometown, KS 66648</u>	<u>Same</u>
IV. <u>Phillip Brown</u>	<u>Adult</u>	<u>Son</u>	<u>1700 Kansas Street</u> <u>Hometown, KS 66648</u>	<u>Same</u>

11. The names and ages of the duly appointed legal representatives of the heirs, devisees and legatees, above named, so far as known or can with reasonable diligence be ascertained are:

Name	Representative Capacity	Address
	(NONE)	

12. The general character and probable value of decedent's Estate is:  
Real estate of the estimated value of \$50,000 with estimated annual income of \$5,000.

Personal property of the estimated value of \$50,000.

13. The appointment of an executor is necessary for the collection, conservation and administration of the Estate; Sue Brown, whose residence and address is Route 2, Hometown, Kansas 66648, is a suitable, competent and qualified person to be granted Letters Testamentary, without bond, as provided by the last will and testament.

14. Mary Doe, spouse of the testator, consented in writing to the last will and testament, as provided by law, which consent is attached hereto and filed herewith.

WHEREFORE, the petitioner prays the instrument offered as decedent's "Last Will and Testament" be admitted to probate and record; Letters Testamentary under the Kansas Simplified Estates Act be granted to petitioner to serve as executor, without bond, and the "Consent of Spouse" filed herein be determined a valid consent.

SUE BROWN

*Petitioner*

#### V E R I F I C A T I O N

(See Form 503)

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-501; 59-504; 59-505; 59-506; 59-507; 59-508; 59-509; 59-511; 59-603; 59-616; 59-617; 59-619; 59-704; 59-706; 59-1101; 59-1104; 59-1701; 59-1706; 59-2103; 59-2201; 59-2202; 59-2203; 59-2204; 59-2219; 59-2220; 59-2221; 59-2223; 59-2225; 59-3201 et seq; 60-207; 60-1703a(b); 60-2601(b)(1); Kan. Const. Bill of Rights § 17 S. Ct. Rule No. 111.

*Time:* The Petition must be filed within six months after the death of the testator, unless K.S.A. 59-618a applies.

*Comment:* The words "Pursuant to K.S.A. Chapter 59" were inserted after consideration of K.S.A. 60-207, 60-2601(f)(1) and K.S.A. 61-1703a(b).

The Petition should recite the names, ages, relationships and addresses of all heirs, devisees and legatees, irrespective of their entitlement to benefits, so far as known or with reasonable diligence can be ascertained. The list of heirs shall be limited to those who would take under the laws of descent and distribution of the state of residence of the decedent.

If the testator refers in the will to a statement or list to dispose of items of tangible personal property the persons to whom the property is given should be named in the petition as legatees and given notice accordingly throughout the proceedings.

Paragraph 14, the appropriate bracketed portion of the title, and the last portion of the prayer is applicable only when a consent is filed with the will. When the witnesses to the will and to the consent are the same, it is usually more convenient to make the determination of the validity of the consent at the hearing. If the validity of a consent is to be determined, a proper notice is required along with an appropriate allegation and prayer in the petition.

If all heirs, devisees and legatees file a written waiver of bond, pursuant to 59-1104, the petition and prayer of the petition shall so reflect.

If the petitioner is a corporation, see form 721 for a form of corporate verification.

Letters Testamentary may be granted to a nonresident of the state when the nonresident has appointed a resident agent. K.S.A. 59-1701 permits a bank, savings and loan association or other corporation of a foreign state to serve as a fiduciary in Kansas if the foreign state permits Kansas organizations to serve in a like capacity in the foreign state.

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#### Preface to Forms 704-716

The following forms 704-716 are prepared for the procedure of ordering the hearing and giving the required notice under the Kansas Simplified Estates Act.

Three sets of forms have been prepared. Forms 704 to 707 should be used if notice is ordered pursuant to 59-2209. Forms 708 to 712 should be used if the notice is "otherwise ordered by the court" (usually by mail). Forms 713 to 716 should be used if waivers are filed.

#### 704

#### (CAPTION)

#### ORDER FOR HEARING AND FOR NOTICE TO CREDITORS

On July 11, 1986, the Court finds the Petition for Probate of Will and Issuance of Letters Testamentary under the Kansas Simplified Estates Act filed by Sue Brown, should be heard on August 4, 1986, at 10:00 a.m. in this court; notice of the time and place of hearing be given pursuant to K.S.A. 59-2209; and notice to creditors be given pursuant to K.S.A. 59-709 and 59-2236.

All instruments required by K.S.A. 59-2209 to be included with the notice shall be served on all interested parties, and the Affidavit of Service shall so reflect, provided however, the petitioner shall be excused from physically attaching to the Affidavit of Service copies of all instruments other than the notice.

IT IS SO ORDERED

A. L. MANN

JUDGE

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By W. B. PLEADER

The Hometown State Bank Building

Hometown, KS 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-709; 59-2204; 59-2208; 59-2209; 59-2222; 59-2223; 59-2236; S. Ct. Rule No. 111.

*Time:* When the petition is filed.

*Comment:* Notice by publication is required by K.S.A. 59-2222, unless waived pursuant to K.S.A. 59-2223, or unless otherwise ordered by the court pursuant to K.S.A. 59-2208. If formal notice is waived, see form 513.

Before using this form, see preface to forms 704-716.

---

705

First published in the Metropolis Herald, Tuesday, July 11, 1986

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

Joe Brown, Deceased

}

No. 8888

NOTICE OF HEARING AND NOTICE TO CREDITORS

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that on July 10, 1986, a petition was filed in this Court by Sue Brown, an heir, devisee and legatee, and executor named in the "Last Will and Testament of Joe Brown," deceased, dated April 15, 1986, praying the instrument attached thereto be admitted to probate and record as the Last Will and Testament of the decedent; Letters Testamentary under the Kansas Simplified Estates Act be issued to Executor to serve without bond and the "Consent of Spouse", filed herein, be determined a valid consent.

You are further advised under the provisions of the Kansas Simplified Estates Act the Court need not supervise administration of the Estate, and no notice of any action of the Executor or other proceedings in the administration will be given, except for notice of final settlement of decedent's estate.

You are further advised if written objections to simplified administration are filed with the court, the court may order that supervised administration ensue.

You are required to file your written defenses thereto on or before August 4, 1986, at 10:00 a.m. in the district court, in Metropolis, Apache County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the petition.

All creditors are notified to exhibit their demands against the Estate within four months from the date of the first publication of this notice, as provided by law, and if their demands are not thus exhibited, they shall be forever barred.

---

SUE BROWN  
PETITIONER

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Tuesdays commencing July 11, 1986. Immediately after the first publication, please forward \_\_\_\_\_ copies of the above notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas. Immediately after the third publication, make your proof of publication to the District Court, Courthouse, with copy to this office.

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*Reference:* K.S.A. 59-603; 59-709; 59-2208; 59-2209; 59-2210; 59-2222; 59-2223; 59-2225; 59-2233; 59-2236; 59-2239; S. Ct. Rule No. 111.

*Time:* The Notice of Hearing and Notice to Creditors shall be published once a week for three consecutive weeks with the first publication within ten days of the Order for Hearing and Notice to Creditors.

*Comment:* The validity of a consent may be determined later, but where the witnesses to the will and to the consent are the same, it is usually more convenient to make the determination at the hearing. If the validity of a consent is to be determined, a proper notice is required along with an appropriate allegation and prayer in the petition.

If the Notice required by K.S.A. 59-2222 is waived, the Notice to Creditors shall be published separately. (See form 711)

The nonclaim statute for creditors begins to run with the first publication of the notice.

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706

#### AFFIDAVIT OF SERVICE

See Form 506, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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707

#### AFFIDAVIT OF PUBLICATION

See Form 507, as to: (1) Form,  
(2) Reference.  
(3) Time, and  
(4) Comment.

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708

(CAPTION)

#### ORDER FOR HEARING AND FOR NOTICE TO CREDITORS

On July 10, 1986, the Court finds the Petition for Probate of Will and Issuance of Letters Testamentary under The Kansas Simplified Estates Act filed by Sue Brown should be heard on August 4, 1986, at 10:00 a.m. in this Court; notice of the time and place of hearing be given by mail, to all parties interested as heirs, devisees and legatees, at least 15 days prior to hearing, and notice to creditors be given pursuant to K.S.A. 59-709.

All instruments required by K.S.A. 59-2209 to be included with the notice shall be served on all interested parties, and the Affidavit of Service shall so reflect, provided however, the petitioner shall be excused from physically attaching to the Affidavit of Service copies of all instruments other than the notice.

IT IS SO ORDERED.

A. L. MANN

JUDGE

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-709; 59-2204; 59-2208; 59-2222; 59-2223; 59-2236; S. Ct. Rule No. 111.

*Time:* When the Petition is filed.

*Comment:* Notice by publication is required by K.S.A. 59-2222, unless waived pursuant to K.S.A. 59-2223 or unless otherwise ordered by the Court pursuant to 59-2208. If formal notice is waived, see form 513 for appropriate form.

If Notice of Hearing is given pursuant to K.S.A. 59-2222, or waived, pursuant to K.S.A. 59-2223, notice to creditors required by K.S.A. 59-709 and K.S.A. 59-2236 shall be published separately.

709

(CAPTION)

### NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that on July 10, 1986, a Petition was filed in this Court by Sue Brown, an heir, devisee and legatee, and executor named in the "Last Will and Testament" of Joe Brown, deceased, dated April 15, 1986, praying the instrument attached thereto be admitted to probate and record as the Last Will and Testament of the decedent; Letters Testamentary under the Kansas Simplified Estates Act be issued to the Executor to serve without bond, and the "Consent of Spouse", filed herein, be determined a valid consent.

You are further advised under the provisions of the Kansas Simplified Estates Act the Court need not supervise administration of the Estate, and no notice of any action of the Executor or other proceedings in the administration will be given, except for notice of final settlement of decedent's estate.

You are further advised if written objections to simplified administration are filed with the court, the court may order that supervised administration ensue.

You are required to file your written defenses thereto on or before August 4, 1986.



at 10:00 a.m. in the District Court, Apache County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the Petition.

Sue Brown  
*Executor*

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, KS 66648  
(913) 555-0000  
Attorneys for Executor

*Reference:* K.S.A. 59-603; 59-709; 59-2208; 59-2210; 59-2222; 59-2223; 59-2225; 59-2233; 59-2236; 59-3201; 59-3202; 59-3203; 59-3204; 59-3205; 59-3206; S. Ct. Rule No. 111.

*Time:* As set forth in the Order.

*Comment:* This form of notice is a mail, not publication, notice pursuant to the order of the court as set out in form 708. If the Notice to Creditors will be published, see Form 711.

710

AFFIDAVIT OF SERVICE

See Form 506, as to: (1) Form,  
(2) Reference.  
(3) Time, and  
(4) Comment

711

First published in the Metropolis Herald, Tuesday, July 11, 1986

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of        }  
Joe Brown, Deceased                        }                        No. 8888

NOTICE TO CREDITORS

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that on July 10, 1986, a Petition For Probate of Will and Issuance of Letters Testamentary under the Kansas Simplified Estates Act was filed in this Court by Sue Brown, an heir, devisee and legatee, and executor named in the "Last Will and Testament of Joe Brown," deceased.

All creditors are notified to exhibit their demands against the Estate within four months from the date of the first publication of this notice, as provided by law, and if their demands are not thus exhibited, they shall be forever barred.

SUE BROWN  
*PETITIONER*

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

---

TO THE PUBLISHER: Please publish for three consecutive Tuesdays commencing July 11, 1986. Immediately after the first publication, please forward \_\_\_\_\_ copies of the above notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas. Immediately after the third publication, make your proof of publication to the District Court, Courthouse, with copy to this office.

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*Reference:* K.S.A. 59-709; 59-2236; S. Ct. Rule No. 111.

*Time:* Only in the event notice required pursuant to K.S.A. 59-2222 is waived or ordered by the court to be given pursuant to 59-2208 will a separate notice to creditors be published and only in this event will this form be used. When this form is used the notice shall be published for three weeks beginning within 10 days after the filing of the petition.

*Comment:* The non-claim statute for creditors begins to run with the first publication of notice.

If the Notice of Hearing required by K.S.A. 59-2222 is by mail or has been waived, the Notice to Creditors shall be published separately.

---

713

(CAPTION)

**VOLUNTARY ENTRY OF APPEARANCE AND  
WAIVER OF NOTICE [AND BOND]**

COMES NOW Richard Brown, whose address and residence is Route 1, Hometown, Kansas 66648 an heir of Joe Brown, deceased, and enters an appearance herein, waives notice of hearing on the Petition for Probate of Will and Issuance of Letters Testamentary under the Kansas Simplified Estates Act and consents the Petition may be set for immediate hearing without further notice pursuant to K.S.A. 59-2223 [and waives the requirement of bond pursuant to K.S.A. 59-1104].

Dated and signed July 10, 1986.

RICHARD BROWN

STATE OF KANSAS

COUNTY OF APACHE

} ss:

The foregoing instrument was acknowledged before me this July 10, 1986.

NEVA WRIGHT  
NOTARY

My Appointment Expires:  
January 10, 1990

*Reference:* K.S.A. 59-1101; 59-1104; 59-2208; 59-2222; 59-2223; S. Ct. Rule No. 111.

*Time:* At or before the hearing on the petition.

*Comment:* Notice by publication is required by K.S.A. 59-2222; unless waived pursuant to K.S.A. 59-2223, or unless otherwise ordered by court pursuant to K.S.A. 59-2208. If the requirement of bond is to be waived, along with the requirement of notice, include the bracketed material in the title and in the body of the form.

Before using this form, see preface to forms 704-716.

---

714

(CAPTION)

**ORDER FOR HEARING AND FOR NOTICE TO CREDITORS**

On July 10, 1987, the Court finds that voluntary entries of appearance and waivers of notice [and bond] have been filed by all parties interested; all parties interested have consented to administration under the Kansas Simplified Estates Act; the Petition for Probate of Will and Issuance of Letters Testamentary under the Kansas Simplified Estates Act, filed by Sue Brown, should be heard on August 4, 1987, at 10:00 a.m. in this Court, and notice of the time and place of hearing by publication or otherwise is not necessary or required by law; and notice to creditors be given pursuant to K.S.A. 59-709 and 59-2236.

All instruments required by K.S.A. 59-2209 to be included with the notice shall be served on all interested parties, and the Affidavit of Service shall so reflect, provided however, the petitioner shall be excused from physically attaching to the Affidavit of Service copies of all instruments other than the notice.

IT IS SO ORDERED.

A. L. MANN

---

JUDGE

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

---

*Reference:* K.S.A. 59-709; 59-2204; 59-2208; 59-2222; 59-2223; 59-2236; S. Ct. Rule No. 111.

*Time:* When the Petition is filed.

*Comment:* Notice of Hearing by publication is required by K.S.A. 59-2222, unless waived pursuant to K.S.A. 59-2223 or unless otherwise ordered by the court pursuant to K.S.A. 59-2208.

Notice to Creditors shall be published in all situations.

If Notice of Hearing is given pursuant to K.S.A. 59-2222, or waived, pursuant to K.S.A. 59-2223, notice to creditors required by K.S.A. 59-709 and K.S.A. 59-2236, shall be published separately.

Before using this form, see preface to forms 704-716.

715

NOTICE TO CREDITORS

See Form 711, as to: (1) Form,  
(2) Reference.  
(3) Time, and  
(4) Comment

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716

AFFIDAVIT OF PUBLICATION

See Form 507, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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717

GUARDIAN AD LITEM FORMS

Where applicable see the following forms:

<i>Form No.</i>	<i>Title</i>
517	Petition for Appointment of Guardian Ad Litem
518	Order for Hearing
519	Order Appointing Guardian Ad Litem
520	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
521	Written Defenses of Guardian Ad Litem

---

718

SOLDIERS' & SAILORS' CIVIL RELIEF ACT FORMS

Where applicable see the following forms:

<i>Form No.</i>	<i>Title</i>
522	Affidavit Pursuant to Soldiers' & Sailors' Civil Relief Act
523	Petition for Appointment of Attorney pursuant to Soldiers' & Sailors' Civil Relief Act
	or
	Petition for Appointment of Attorney to Represent Unknown Persons Pursuant to Soldiers' & Sailors' Civil Relief Act
524	Order for Hearing
525	Order Appointing Attorney to Represent Interests of Person Pursuant to Soldiers' & Sailors' Civil Relief Act.
526	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
527	Written Defenses of Attorney Representing Interests of Person Pursuant to Soldiers' & Sailors' Civil Relief Act

---

## (CAPTION)

## FORMS RELATING TO PROOF OF WILL

For forms relating to Proof of Will:

- (A) By Affidavit, see form 528,
  - (B) By Testimony in Court Reduced to Writing, see form 529, and
  - (C) By Issuance of Commission to Take Deposition of Subscribing Witness, see form 530.
- 

## (CAPTION)

**ORDER ADMITTING WILL TO PROBATE AND ISSUING LETTERS  
TESTAMENTARY UNDER THE KANSAS SIMPLIFIED ESTATES ACT**

On August 4, 1986, comes on for hearing the Petition for Probate of Will, filed by Sue Brown.

Petitioner appears in person and by attorneys, Pleader Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, devisees and legatees.

2. [All parties interested as heirs, devisees or legatees have entered their appearances in writing, waived notice of hearing and consented to an immediate hearing all of which is hereby approved,] or [Notice of this hearing has been given as required by law and the Order of this Court and proof thereof has been filed and is hereby approved.]

3. The allegations of the Petition are true.

4. The terms and provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, have been complied with as to any interested person or persons who are in the service of the United States or its allies.

5. Joe Brown died testate at Hometown, Kansas, on July 3, 1986, at the time of death decedent was a resident of Apache County, Kansas and a citizen of the United States.

6. The capacity of the testator and the due execution of the Will are proved in accordance with K.S.A. 59-606 and 59-2224; the instrument dated April 15, 1986, and filed with the Petition, is the "Last Will and Testament of Joe Brown," deceased; at the time of the execution of the Last Will and Testament, the decedent was of legal age, of sound mind and not under any restraint; the Last Will and Testament was in full force and effect at the date of death of the decedent, and the Last Will and Testament should be admitted to Probate and Record.

7. This is a proper Estate for administration under the Kansas Simplified Estates Act.

8. Sue Brown is named as Executor in the Last Will and Testament, and is a suitable and competent person to be granted Letters Testamentary under the Kansas Simplified Estates Act, without bond, in accordance with the directions of decedent's Last Will and Testament.

9. Sue Brown, the Petitioner, was the wife of the decedent at the time the decedent executed the Last Will and Testament and Petitioner executed Petitioner's consent in writing to the Last Will and Testament of the decedent.

(Note: If bond is excused for any other reason set forth in K.S.A. 59-1104, recite the reason in this paragraph. If bond is required show that fact and the amount.)

[10. \_\_\_\_\_ is a non-resident of this state and by reason thereof must appoint an agent pursuant to K.S.A. 59-1706. (See Paragraph 2 of Comment)]

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) The instrument, dated April 15, 1986, and filed with the Petition, is hereby adjudged to be the Last Will and Testament of Joe Brown, deceased, and it is hereby admitted to probate and record.

(C) The Consent of Spouse, dated April 15, 1976, executed by Sue Brown be and is hereby adjudged to be a valid and binding consent to the Last Will and Testament of the decedent.

(D) This Estate should be administered as a simplified Estate, and Sue Brown is hereby appointed as Executor of the Last Will and Testament of Joe Brown, deceased, to serve without bond, and upon filing of oath, d written appointment of agent pursuant to 59-1706] Letters Testamentary under the Kansas Simplified Estates Act be issued.

\_\_\_\_\_  
A. L. MANN

JUDGE

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

By: W. B. Pleader

The Hometown State Bank Building

Hometown, KS 66648

(913) 555-0000

Attorneys for Petitioner

\_\_\_\_\_  
*Reference:* K.S.A. 59-706; 59-1101; 59-1104; 59-1706; 59-2223; 59-2224; 59-2227; 59-3201; 59-3202; 59-3203; 59-3204; 59-3205; 59-3206; S. Ct. Rule No. 111.

*Time:* The Order Admitting Will to Probate should be filed at the conclusion of the matter by the court.

*Comment:* The Court determines the form and the amount of the bond where the will makes no provision for the executor to serve without bond, or bond is required by the court. If the bond is excused by written waivers of all heirs, devisees and legatees, by K.S.A. 59-1104, the order should so reflect.

If the executor is a nonresident the order should so find and require the executor to file with the court a written appointment of an agent pursuant to K.S.A. 59-1706.

721

**CERTIFICATE PURSUANT TO K.S.A. 59-2233**

See Form 539, as to: (1) Form, and  
(2) Reference.

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722

**OATH OF EXECUTOR**

See Form 540, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

723

**BOND**

See Form 541.

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724

**LETTERS TESTAMENTARY ISSUED UNDER  
THE KANSAS SIMPLIFIED ESTATES ACT**

KNOW ALL PERSONS BY THESE PRESENTS:

Sue Brown a resident of Hometown, Apache County, Kansas, named as Executor of the "Last Will and Testament of Joe Brown," deceased, having been appointed and qualified as Executor, is hereby granted Letters Testamentary issued under the Kansas Simplified Estates Act with full power and authority as provided by law and the Last Will and Testament.

IN WITNESS WHEREOF, I, A. L. Mann, Judge of the District Court, have subscribed my name and affixed the seal of this Court at Metropolis, in the said county and state, August 4, 1986.

A. L. MANN

JUDGE

(SEAL)

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Executor

---

*Reference:* K.S.A. 59-701, 59-706; 59-2227, 59-3203; S. Ct. Rule No. 111.

*Time:* Upon the filing of the Oath [and Bond, if required].

*Comment:* If an executor moves from the state a resident agent would have to be appointed (see form 537).

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725

**INVENTORY & VALUATION**

See Form 543, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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726

**ELECTION TO TAKE BY INTESTATE SUCCESSION**

See Form 545, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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727

**ALLOWANCE AND CLASSIFICATION OF DEMAND**

If a judicial determination of any matter [including Allowance and Classification of Demand] is sought, see forms 732 to 736 and the comments thereunder.

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728

**STATUTORY ALLOWANCE**

If a judicial determination of any matter [including Statutory Allowance] is sought, see forms 732 to 736 and the comments thereunder.

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729

**SETTING APART HOMESTEAD**

If a judicial determination of any matter [including Setting Apart Homestead] is sought, see forms 732 to 736 and the comments thereunder.

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730

**SALE OF PERSONAL PROPERTY**

If a Judicial determination of any matter [including Sale of Personal Property] is sought, see forms 732 to 736 and the comments thereunder.

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## SALE OF REAL ESTATE

The forms relating to the Sale of Real Estate at Public Auction are numbered 1601 to 1615. The forms relating to Sale of Real Estate at Private Sale are numbered 1621 to 1634. The forms relating to Sale of Real Estate at Private Sale (with confirmation included in order for sale) are numbered 1641 to 1654.

For a list setting forth each form number and title, see the Table of Forms at the beginning of the book.

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## (CAPTION)

### PETITION FOR JUDICIAL DETERMINATION OF STATUTORY ALLOWANCE

Comes Now Sue Brown, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 2, Hometown, Kansas 66648.

2. Petitioner is the duly appointed, qualified and acting Executor of the Estate of Joe Brown, deceased, by virtue of Letters Testamentary under the Kansas Simplified Estates Act granted to Petitioner by the Court on August 4, 1986, and is also the surviving spouse of Joe Brown, deceased.

3. Sue Brown, surviving spouse, has requested certain personal property and money owned by the decedent at the time of death, as shown by the Inventory and Valuation, be set aside to Petitioner for Petitioner's use and benefit as authorized and described as follows:

(a) Pursuant to K.S.A. 59-403(1):

- (1) Furniture,
- (2) Household Goods,
- (3) Wearing Apparel,

used in the home of the decedent.

(4) Automobile (1969 Model Chevrolet 4-dr. Sedan, Id. No. 1234567890).

(b) Pursuant to K.S.A. 59-403(2) the sum of \$7,500 consisting of the following:

- (1) An allowance of \$7,000 in money,
- (2) 25 Shares Common Stock, @\$20 per share, Kansas Power & Light, Certificate No. 508, of the appraised value of \$500.00.

4. Petitioner requests a judicial determination of the entitlement of the surviving spouse to the allowances.

5. Supervised Administration is not sought for the remainder of the administration of this Estate.

WHEREFORE, petitioner prays for a judicial determination of the entitlement of the surviving spouse of the decedent to the statutory allowance above described and the remainder of the administration continue as simplified administration.

SUE BROWN

*Executor*

(V E R I F I C A T I O N)

See Form 503

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 88848  
(913) 555-0000  
Attorneys for Executor

---

*Reference:* K.S.A. 59-3205; S. Ct. Rule No. 111.

*Time:* Any time prior to final settlement.

*Comment:* This proceeding is designed to be used by the executor or administrator when it is desirable to have a judicial determination of any matter, but when supervised administration is not sought for the remainder of the Estate.

---

733

(CAPTION)

ORDER FOR HEARING

On August 10, 1986, the Court finds the Petition for Judicial Determination of Statutory Allowance filed by Sue Brown, Executor, should be heard on September 1, 1986, at 10:00 a.m. in this Court, and notice of the time and place of hearing be given by mail, to all persons interested at least 10 days prior to the date of the hearing.

All instruments required by K.S.A. 59-2209 to be included with the notice shall be served on all interested parties, and the Affidavit of Service shall so reflect, provided however, the petitioner shall be excused from physically attaching to the Affidavit of Service copies of all instruments other than the notice.

IT IS SO ORDERED.

A. L. MANN

JUDGE

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR  
BY: W. B. PLEADER  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Executor

---

*Reference:* K.S.A. 59-2208; 59-3205; S. Ct. Rule No. 111.

*Time:* When the Petition is filed.

*Comment:* Notice is discretionary with the court and exercisable pursuant to K.S.A. 59-2208.

---

(CAPTION)

## NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified a Petition was filed in this Court by Sue Brown, Executor of the Estate of Joe Brown, deceased, praying a judicial determination be made of the entitlement of the surviving spouse of the deceased to the statutory allowance and the remainder of the administration of the Estate continue as simplified administration.

You are required to file your written defenses thereto on or before September 1, 1986, at 10:00 a.m. in the city of Metropolis, in Apache County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgement and decree will be entered in due course upon the Petition.

\_\_\_\_\_  
Sue Brown

Executor

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, KS 66648  
(913) 555-0000  
Attorneys for Executor

Reference: K.S.A. 59-2208; 59-2210; 59-3205; S. Ct. Rule No. 111.

(CAPTION)

## AFFIDAVIT OF SERVICE

STATE OF KANSAS }  
COUNTY OF APACHE } ss:

W. B. Pleader, of lawful age, being first duly sworn, upon oath states:

I am one of the attorneys for the Executor. I served a copy of the following:

1. Notice,
2. Petition for Probate of Will and Issuance of Letters Testamentary Under the Kansas Simplified Estates Act, and
3. Last Will and Testament of Joe Brown,

by depositing the same in United States Mail, postage prepaid on August 19, 1986, and at least ten days prior to the date of the hearing, addressed to each of the following persons.

Name

Address

(List the names and addresses of all persons interested)

being all persons who have any interest in the proceeding, whose names and addresses are known to the Petitioner or to this affiant.

FURTHER AFFIANT SAITH NOT.

\_\_\_\_\_  
W. B. PLEADER

SUBSCRIBED AND SWORN to before me on August 10, 1986.

\_\_\_\_\_  
NEVA WRIGHT  
NOTARY PUBLIC

(SEAL)

My Appointment Expires:

January 10, 1990

*Reference:* K.S.A. 59-2208; 59-2211; 59-3205; S. Ct. Rule No. 111.

*Time:* The Affidavit of Service must be filed on or before the date of the hearing.

*Comment:* If the Court orders Notice to be given by personal service the Affidavit of Service shall so reflect.

736

(CAPTION)

**JUDICIAL DETERMINATION OF STATUTORY ALLOWANCE**

On September 1, 1986, comes on for hearing the Petition for Judicial Determination of Statutory Allowance, filed by Sue Brown.

Petitioner appears in person and by attorneys, Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of this hearing has been given as required by law and the Order of this court and proof thereof has been duly filed herein and is hereby approved.

2. The allegations of the Petition are true.

3. Sue Brown is the surviving spouse of the decedent, and the decedent left no minor children.

4. Sue Brown is entitled to have the personal property selected pursuant to K.S.A. 59-403(1).

5. Sue Brown is entitled to the allowance requested pursuant to K.S.A. 59-403 (2), which allowance is determined by the court to be reasonable after taking into account the condition of the Estate of the decedent.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) The Petition for Judicial Determination of a Statutory Allowance is granted.

(C) The following items of personal property and money are hereby allowed to Sue Brown, surviving spouse of Joe Brown, deceased, from decedent's Estate.

(1) Pursuant to K.S.A. 59-403(1):

- (a) Furniture,
- (b) Household Goods,
- (c) Wearing Apparel,
- (d) Automobile (1969 Model Chevrolet 4-dr. Sedan, Id. No. 1234567890).

(2) Pursuant to K.S.A. 59-403 (2) the sum of \$7,500 consisting of the following:

- (a) An allowance of \$7,000 in money,
- (b) 25 Shares Common Stock, @ \$20 per share, Kansas Power & Light, Certificate No. 508, of the appraised value of \$500.00.

(D) Property shall not be liable for the payment of any of decedent's debts or other demands against the Estate, except liens thereon existing at the time of death.

(E) Supervised Administration is not ordered for the remainder of the Estate.

A. L. MANN

*Judge*

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-403; 59-404; 59-2235; 59-3205; S. Ct. Rule No. 111.

*Time:* The Order will usually issue on the day of the hearing.

*Comment:* The amount of the surviving spouse's allowance is to be determined by the court based upon the condition of the estate, subject to a statutory minimum of \$750 and a maximum of \$7,500.

737

(CAPTION)

### PETITION FOR SUPERVISED ADMINISTRATION

COMES NOW Sue Brown, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas whose address is Route 2, Hometown, Kansas 66648.

2. Petitioner is the duly appointed, qualified and acting Executor of the Estate of Joe Brown, deceased, by virtue of Letters Testamentary under the Kansas Simplified Estates Act, granted by the court on August 1, 1986.

3. The Estate of Joe Brown, deceased, can no longer be administered advantageously under the Kansas Simplified Estates Act, and simplified administration should be terminated.

4. Letters Testamentary issued under the Kansas Simplified Estates Act to Sue Brown on August 4, 1986 should be revoked; Letters Testamentary should be issued, and supervised administration be ordered for the remainder of the administration of this Estate.

5. Notice to creditors has been duly published, and a proper inventory and valuation has been previously filed.

6. Bond is not necessary in the continued administration of this Estate and should not be ordered.

WHEREFORE, Petitioner prays administration of the Estate under the Kansas Simplified Estates Act be terminated; Letters Testamentary be issued to Sue Brown, without bond, and supervised administration be ordered for the remainder of this Estate.

---

SUE BROWN  
PETITIONER

(V E R I F I C A T I O N)

See Form 503

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, KS 66648  
(913) 555-0000  
Attorneys for Petitioner

---

*Reference:* K.S.A. 59-701; 59-705; 59-3206; S. Ct. Rule No. 111.

*Time:* Any time after letters testamentary or letters of administration have been issued under the Kansas Simplified Estates Act and prior to closing the estate.

*Comment:* The above petition is in the form for use by the executor or administrator. However, a person having an interest in the estate can use the same form with different allegations. [See 59-3206(a)]

In this form the same executor is reappointed, if a new person is to be appointed executor or administrator the appropriate allegations should appear in the petition.

---

738

(CAPTION)

ORDER FOR HEARING

On September 1, 1986, the Court finds the Petition for Supervised Administration filed by Sue Brown, should be heard on September 15, 1986, at 10:00 a.m. in this Court and notice of the time and place of hearing be given by mail to all persons interested at least ten days prior to the date of the hearing.

All instruments required by K.S.A. 59-2209 to be included with the notice shall be served on all interested parties, and the Affidavit of Service shall so reflect,

provided however, the petitioner shall be excused from physically attaching to the Affidavit of Service copies of all instruments other than the notice.

IT IS SO ORDERED.

A. L. MANN

JUDGE

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

(913) 555-0000

Hometown, Kansas 66648

Attorneys for Executor

*Reference:* K.S.A. 59-2208, 59-2237, 59-3206; S. Ct. Rule No. 111.

*Time:* When the Petition is filed.

*Comment:* Notice is discretionary with the court and exercisable pursuant to K.S.A. 59-2208.

739

(CAPTION)

### NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by Sue Brown, Executor, of the Estate of Joe Brown, deceased, praying that administration of the Estate under the Kansas Simplified Estates Act be revoked; Letters Testamentary be issued to Sue Brown to serve without bond, and supervised administration be ordered for the remainder of this Estate.

You are required to file your written defenses thereto on or before September 15, 1986, at 10:00 a.m. in the District Court, Apache County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgement and decree will be entered in due course upon the Petition.

Sue Brown

Executor

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, KS 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-2208; 59-3206; S. Ct. Rule No. 111.

## AFFIDAVIT OF SERVICE

See Form 735, as to: (1) Form,  
 (2) Time, and  
 (3) Comment.

---

*Reference:* K.S.A. 59-2208; 59-2211; 59-3206; S. Ct. Rule No. 111.

---

(CAPTION)

## ORDER FOR SUPERVISED ADMINISTRATION

On September 15, 1986, comes on for hearing the Petition for Supervised Administration filed herein by Sue Brown.

Petitioner appears by attorneys, Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of this hearing has been given as required by law and the Order of this Court and proof thereof has been duly filed herein and is hereby approved.

2. The allegations of the petition are true.

3. The Estate of Joe Brown, deceased, should no longer be administered under the Kansas Simplified Estates Act.

4. Letters Testamentary Issued Under the Kansas Simplified Estates Act to Sue Brown on August 4, 1986, should be revoked.

5. Sue Brown, a resident of Kansas, whose residence and address is Route 2, Hometown, Kansas 66648, is a suitable and competent person to be granted Letters Testamentary, [without bond, as provided by the Last Will and Testament] and that Letters Testamentary should be issued to Sue Brown.

6. Notice to Creditors has been duly published and a proper Inventory and Valuation has been filed.

7. Bond is not necessary in the continued administration of this Estate and should not be ordered.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) Sue Brown, a resident of Kansas, whose residence and address is Route 2, Hometown, Kansas 66648, is a suitable and competent person to be granted Letters Testamentary, [without Bond, as Provided by the Last Will and Testament] and upon the filing of an oath Letters Testamentary be issued to Sue Brown.

(C) Letters issued under the Kansas Simplified Estates Act on August 4, 1986, are hereby revoked and supervised administration is ordered.



(D) Bond is not necessary in this Estate and should not be ordered.

A. L. MANN

JUDGE

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

---

*Reference:* K.S.A. 59-1101; 59-1104; 59-3206; S. Ct. Rule No. 111.

*Time:* The Order for Supervised Administration will be entered on the date fixed in the Order for Hearing, or upon adjournment thereof.

*Comment:* Prior to issuance of new letters, a new oath must be administered, see form 540.

---

742

(CAPTION)

LETTERS TESTAMENTARY

KNOW ALL PERSONS BY THESE PRESENTS:

The letters issued under the Kansas Simplified Estates Act on August 4, 1986, to Sue Brown having been revoked and supervised administration having been ordered by this Court on September 15, 1986, and Sue Brown, a resident of Hometown, Apache County, Kansas, named as Executor of the "Last Will and Testament of Joe Brown," deceased, having been appointed and qualified as Executor, is hereby granted Letters Testamentary in the Estate with full power and authority as provided by law and the Last Will and Testament.

IN WITNESS WHEREOF, I, A. L. Mann, Judge of the above entitled Court have subscribed my name and affixed the seal of this Court at Metropolis, in Apache County, Kansas, this August 4, 1986.

A. L. MANN

JUDGE

(SEAL)

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Executor

---

*Reference:* K.S.A. 59-701; 59-706; 59-2227; 59-3206; S. Ct. Rule No. 111.

*Comment:* See form 608 if an intestate estate is involved.

Prior to issuance of new letters, a new oath must be administered, see form 540.

---

## 743

### **CLOSING OF ESTATE UNDER KANSAS SIMPLIFIED ESTATES ACT**

Commencing with the Petition for Final Settlement, procedure under the Kansas Simplified Estates Act is identical to procedure under supervised administration. If the estate being administered under the Kansas Simplified Estates Act is a testate estate see forms 552 to 562. If the estate being administered under the Kansas Simplified Estates Act is an intestate estate, see forms 621 to 631.

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# FOREIGN WILL

<i>Title</i>	<i>Form No.</i>
Petition to Admit Foreign Will to Probate and Record .....	801
Order for Hearing .....	802
Notice of Hearing .....	803
Affidavit of Service .....	804
Affidavit of Publication .....	805
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act .....	806
Order Admitting Authenticated Copy of Foreign Will to Probate and Record .....	807

801

## IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

Sam Sausage, Deceased

(Petition Pursuant to K.S.A. Chapter 59)

}

No. 7000

### PETITION TO ADMIT FOREIGN WILL TO PROBATE AND RECORD

COMES NOW Ann Sausage, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 2, Hometown, Kansas 66648.

2. Petitioner has an interest in decedent's Estate as a devisee and legatee in the "Last Will and Testament of Sam Sausage," deceased, dated July 3, 1985.

3. Sam Sausage died testate at Oldtown, Arizona, on July 15, 1985; more than six months have expired since the date of death; at the time of death decedent was a resident of Jackson County, Arizona, and a citizen of the United States.

4. Decedent's Last Will and Testament dated July 3, 1985, was admitted to probate in the Probate Court of Jackson County, Arizona, on August 30, 1985, and the order of the Court admitting Will to probate remains in full force.

5. There is filed herewith, and made a part of this Petition by reference, a duly authenticated partial transcript of proceedings in the Estate of Sam Sausage, deceased, from the Probate Court of Jackson County, Arizona, containing the following:

a. Will, executed, proved and admitted to probate according to the laws of the state of Arizona.

b. Order Admitting Will to Probate.

6. There is property in Apache County, Kansas, upon which the Will may operate; the Will has not been admitted to Probate in any other County of this State; no administration of the Estate in Kansas is necessary, and the general character and probable value of the decedent's Estate in this State is:

Real Estate of the estimated value of \$10,000 situated in Apache County, Kansas, and described as follows:

The Southwest quarter of Section 20, Township 20, Range 50, West of the 15th P.M., containing 160 acres, more or less.

7. The decedent was survived by the following named persons who, so far as known or can with reasonable diligence be ascertained, are all of decedent's heirs:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Residential Address</i>	<i>Mailing Addresses</i>
<u>Ann Sausage</u>	<u>Adult</u>	<u>Niece</u>	<u>Route 2, Hometown, KS 66649</u>	<u>Same</u>
<u>George Sausage</u>	<u>Adult</u>	<u>Nephew</u>	<u>Route 3, Hometown, KS 66649</u>	<u>Same</u>

8. So far as known or can with reasonable diligence be ascertained, the decedent had no spouse or children, issue of deceased children, or other heirs who survived the decedent, other than the persons above named.

9. The decedent was survived by the following persons who are all of decedent's legatees and devisees:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Residence and Address</i>
<u>Ann Sausage</u>	<u>Adult</u>	<u>Niece</u>	<u>Route 2, Hometown, KS 66649</u>
<u>George Sausage</u>	<u>Adult</u>	<u>Nephew</u>	<u>Route 3, Hometown, KS 66649</u>

10. The Last Will and Testament of the decedent should be construed to distribute the Estate as follows:

- (a) Specific devise of undivided one-half interest in above described real estate to Ann Sausage.
- (b) Specific devise of undivided one-half interest in above described real estate to George Sausage.

11. All taxes imposed by the State of Kansas have been paid.

WHEREFORE, the Petitioner prays the above mentioned foreign probated Will of Sam Sausage, deceased, be admitted to probate and record in this court; the court find that no administration in the Estate is necessary; the Will be construed and the Kansas real estate owned by the decedent be assigned in accordance with the terms of the Will.

\_\_\_\_\_  
ANN SAUSAGE  
PETITIONER

VERIFICATION  
(See Form 503)

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown. Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

\_\_\_\_\_  
*Reference:* K.S.A. 59-511; 59-803, 59-804, 59-805, 59-806; 59-807, 59-808, 59-809; 59-2202; 50-2220; 59-2221, 59-2229, 59-2230; 59-2247; S. Ct. Rule No. 111.  
*Time:* When, as in this illustration the petition asks the court to find "No administration of the estate in Kansas is necessary," the hearing on the petition should not be set sooner than six months after the date of death. When administration, simplified or supervised, is sought. the petition and foreign will could be filed either before or after six months have expired from date of death.

## ORDER FOR HEARING

See form No. 553, as to: (1) Form and,  
(2) Time.

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*Reference:* K.S.A. 59-806; 59-2209; 59-2222; 50-2229; 59-2247; S. Ct. Rule No. 111.  
*Comment:* In this proceeding, because the Court is being asked not only to admit the foreign will to record but is also being asked to find that administration is not necessary and to construe the will and assign the title to real estate, constitutional due process may require publication of notice pursuant to K.S.A. 59-2209.

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First published in the Metropolis Herald, Monday, August 20, 1986.

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

Sam Sausage, Deceased

}

No. 7000

## NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by Ann Sausage, a beneficiary of Sam Sausage, deceased, praying that: the foreign will of Sam Sausage, deceased, dated July 3, 1985, be admitted to probate and record in this Court; no administration of the Estate is necessary; the will be construed, and the following Kansas real estate owned by the decedent, situated in Apache County, Kansas:

The Southwest quarter of Section 20, Township 20, Range 50, West of the 15th P.M., containing 160 acres, more or less,

be assigned in accordance with the terms of the Will.

You are required to file your written defenses thereto on or before September 10, 1986, at 10:00 a.m. in the District Court, in the City of Metropolis, Apache County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the Petition.

ANN SAUSAGE

PETITIONER

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Mondays, commencing August 20, 1986. Immediately after the first publication, please forward \_\_\_\_\_

copies of the Notice to: Pleader, Pleader & Tryor, The Hometown State Bank Bldg., Hometown, Kansas 66648. Immediately after the third publication, make your proof of publication to the District Court, Courthouse, with copy to this office.

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*Reference:* K.S.A. 59-2209; 59-2210; 59-2247; S. Ct. Rule No. 111.

*Time:* The Notice of Hearing shall be published once a week for three consecutive weeks with the first publication within ten days of the Order for Hearing. The date set for hearing shall not be earlier than seven days nor later than fourteen days after the last publication of notice.

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804

#### AFFIDAVIT OF SERVICE

See Form 506, as to: (1) Form (omit bracketed material), and  
(2) Time.

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*Reference:* K.S.A. 59-2209; 59-2211; S. Ct. Rule No. 111.

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805

#### AFFIDAVIT OF PUBLICATION

See Form 507, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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806

#### AFFIDAVIT PURSUANT TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT

See Form 522, as to: (1) Form,  
(2) Reference, and  
(3) Comment.

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807

(CAPTION)

#### ORDER ADMITTING AUTHENTICATED COPY OF FOREIGN WILL TO PROBATE AND RECORD

On September 15, 1986, comes on for hearing the Petition to Admit Foreign Will of Sam Sausage to probate and record, filed herein by Ann Sausage.

Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships, and residences and addresses of heirs, devisees and legatees, and notice of this hearing has been given as required by law and the Order of this Court, and proof thereof has been duly filed herein and is hereby approved.

2. The allegations of the Petition are true.

3. The Petitioner has an interest in decedent's Estate as a devisee and legatee in the "Last Will and Testament of Sam Sausage," deceased.

4. Sam Sausage died testate at Oldtown, Arizona, on July 15, 1985; more than six months have expired since the date of death; at the time of death decedent was a resident of Jackson County, Arizona, and of the United States.

5. Testator left a Last Will and Testament, dated July 3, 1985, which was duly executed, proved and admitted to probate according to the laws of Arizona, on July 15, 1986, in the Probate Court of Jackson County, Arizona ; a duly authenticated partial transcript of proceedings in the Estate of Sam Sausage, deceased, from the Probate Court of Jackson County, Arizona is filed herein and the order of the Court is still in full force and effect.

6. Testator left the following described real estate in Apache County, Kansas:

The South one-fourth of Section 20, Township 20, Range 50, West Of the 15th P.M., containing 160 acres, more or less.

7. All taxes imposed by the State of Kansas have been paid.

8. No administration of the Estate in Kansas is necessary.

9. The decedent's Last Will and Testament is construed to distribute the above described Kansas real estate as follows:

<i>Name</i>	<i>Interest</i>
<u>Ann Sausage</u>	<u>Undivided 1/2 interest</u>
<u>George Sausage</u>	<u>Undivided 1/2 interest</u>

IT IS HEREBY CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) The above authenticated copy of the "Last Will and Testament of Sam Sausage," deceased, is hereby admitted to probate and record in the District Court of Apache County, Kansas.

(C) The following described real estate situated in Apache County, Kansas, to wit:

The South one-fourth of Section 20, Township 20, Range 50, West Of the 15th P.M., containing 160 acres, more or less.

subject to any lawful disposition heretofore made is assigned pursuant to the terms of decedent's Will as follows:

<i>Name</i>	<i>Interest</i>
<u>Ann Sausage</u>	<u>Undivided 1/2 interest</u>
<u>George Sausage</u>	<u>Undivided 1/2 interest</u>

A. L. MANN  
JUDGE

(S E A L)  
APPROVED BY:

PLEADER, PLEADER & TRYOR  
BY: W. B. PLEADER  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

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*Reference:* K.S.A. 59-804; 59-806; 59-2230; 50-2247; 59-2249; S. Ct. Rule No. 111.

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# DISCLAIMER OF PROPERTY

Title

Form No.

Preface to Disclaimer of Interests in Property Form

Disclaimer of Interest in Property ..... 901

## PREFACE TO DISCLAIMER OF INTERESTS IN PROPERTY FORM

The disclaimer form is based on the following hypothetical fact situation:

The estate chosen is the estate of Richard Roe, as illustrated in form 601 et seq.

Richard Roe died leaving his wife, Jane Roe, and three adult children surviving him. It is assumed none of the adult children had issue, avoiding the operation of the antilapse statute, K.S.A. 59-615. The children have decided to disclaim their interests in substantial cash accounts belonging to the decedent to allow their mother, Jane Roe, to take that property outright.

901

## IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

}

No. 86-P-1001

Richard Roe, Deceased

## DISCLAIMER OF INTEREST IN PROPERTY

Susan Brown, disclaimant, states:

1. This disclaimer is filed pursuant to the provisions of K.S.A. 59-2291, et. seq.
2. Richard Roe died intestate on July 3, 1986.
3. Disclaimant is a child and heir-at-law of Richard Roe, deceased, and has no children or issue.
4. Disclaimant resides at Dry Creek, Colorado 79100.
5. Disclaimant disclaims any and all interest in the following property:
  - (a) 300 shares of common stock Kansas Power and Light Company, Certificate number 508;
  - (b) U. S. Savings Bond number V8335394HH with a face value at maturity of \$5000.00;
  - (c) U. S. Savings Bond number X4625318EE with a face value at maturity of \$10,000.00;
  - (d) U. S. Savings Bond number X4625927EE with a face value at maturity of \$10,000.00;
  - (e) Lenexa, Kansas Industrial Revenue, Series 1978, Volume Shoe Corporation Project Coupon Bond due May 1, 1998, serial number 76259 with a value at maturity of \$5,000.00.
  - (f) \$12,000.00 balance in decedent's Saving Account Number 7654, Hometown State Bank, Hometown, Kansas;

(g) \$20,000.00 certificate of deposit number 6256 at Loyal Federal Savings in the decedent's name;

(h) Life insurance policy number 296011 with Long Life Insurance Company, Coral Gables, Florida payable to the estate.

6. This disclaimer is made December 1, 1986, less than 9 months after the death of the decedent.

7. A copy of this disclaimer has been sent by certified mail to Harry Roe, administrator of the estate of Richard Roe, deceased.

Dated, signed and acknowledged on December 1, 1986.

Susan Brown

STATE OF KANSAS

COUNTY OF APACHE

} ss:

The foregoing instrument was acknowledged before me December 1, 1986, by Susan Brown.

Neva Wright

*Notary Public*

(SEAL)

My Appointment Expires:

February 19, 1990

*Reference:* K.S.A. 59-2291; 59-2292; 59-2293; 59-610; I.R.C. 2518; 26 U.S.C. 2518.

*Time:* Pursuant to K.S.A. 59-2292 and 26 U.S.C. 2518.

*Comment:* Disclaimer is useful to avoid taking property from a variety of sources such as legacies, intestate succession, taking joint tenancy by survivorship, or insurance. Disclaimer can be for all or a part of the property.

It can be used to increase the share of the surviving spouse (and the marital deduction), to increase the share passing to children by a spousal disclaimer, or to allow property to skip a generation when a child disclaims, permitting the property to pass to that child's issue. It may also be used to avoid creditors.

Both state and federal rules in the area of disclaimers are evolving rapidly and counsel should check for recent developments. The requirements for a valid disclaimer for state law purposes are somewhat different than those for the federal tax law, and care must be taken to be sure the disclaimer qualifies for both as to form, timeliness, property disclaimed, filing and service.

In any proceeding in which a disclaimer has been filed the decree of descent or journal entry of final settlement should recite the filing of the disclaimer, require the approval and confirmation by the court and request the assignment of the property to the persons entitled thereto.

# TERMINATION OF JOINT TENANCY

<i>Title</i>	<i>Form No.</i>
Petition for Termination of Estate in Joint Tenancy .....	1001
Order for Hearing .....	1002
Notice of Hearing .....	1003
Affidavit of Service .....	1004
Affidavit Pursuant to Soldiers' & Sailors' Civil Relief Act .....	1005
Journal Entry of Termination of Joint Tenancy .....	1006

1001

## IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of        }  
Floyd Harris, Deceased                }        No. 4000  
(Petition pursuant to K.S.A. Chapter 59)

### PETITION FOR TERMINATION OF ESTATE IN JOINT TENANCY

Comes Now Fran Harris, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas whose address is 109 North 9th Street, Hometown, Kansas 66648.

2. Decedent died intestate at Hometown, Kansas, on January 15, 1987; decedent left no property or estate on which administration proceedings have been had or commenced; at the time of death decedent was a resident of Apache County, Kansas, and a citizen of the United States.

3. Petitioner is the surviving joint tenant of the following described real and personal property:

(a) Real Estate:

<i>Description</i>	<i>Surviving Joint Tenant</i>
<u>Northeast quarter of Section 24, Township 18, Range 30, West of the 6th P.M. containing 160 acres, more or less, Apache County, Kansas</u>	<u>Fran Harris</u>

(b) Personal Property:

<i>Description</i>	<i>Surviving Joint Tenant</i>
<u>Certificate of deposit with Hometown State Bank, Hometown, Kansas, Certificate No. 2122, in the name of Floyd Harris and Fran Harris as joint tenants and not as tenants in common, in the amount of \$3,000 plus accrued interest.</u>	<u>Fran Harris</u>

4. The names, ages, relationships, residences and addresses of the heirs of the decedent, so far as known or with reasonable diligence be ascertained are:

<i>NAME</i>	<i>AGE</i>	<i>RELATIONSHIP</i>	<i>RESIDENTIAL ADDRESS</i>	<i>MAILING ADDRESS</i>
<u>Fran Harris</u>	<u>Adult</u>	<u>Wife</u>	<u>109 N. 9th Street,</u> <u>Hometown, KS 66648</u>	<u>Same</u>
<u>Steve Harris</u>	<u>Adult</u>	<u>Son</u>	<u>109 N. 9th Street,</u> <u>Hometown, KS 66648</u>	<u>Same</u>
<u>Susan Harris</u>	<u>Adult</u>	<u>Daughter</u>	<u>109 N. 9th Street,</u> <u>Hometown, KS 66648</u>	<u>Same</u>

5. The names, ages, residence and address of any other persons who claim an interest in the above described real or personal property so far as known by the petitioner are:

Name	Age	Residence Address	Mailing Address	Interest Claimed
			(NONE)	

6. All taxes imposed by the State of Kansas have been paid.

WHEREFORE, Petitioner prays the court find the above described real and personal property was held in joint tenancy and upon the death of Floyd Harris title thereto devolved to Fran Harris, the surviving joint tenant, and all taxes imposed by the State of Kansas have been paid.

FRAN HARRIS

PETITIONER

(V E R I F I C A T I O N)

See Form 503

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, KS 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-2286; S. Ct. Rule No. 111.

*Time:* Anytime after death.

*Comment:* This set of forms would not often be used in joint tenancy situations unless there is a controversy. Other simpler proceedings are available in situations that are not controversial.

The forms may also be adapted to be used to terminate life estates.

The Petition may be filed in any county where the real estate, or part of it, is situated or the county of residence of the decedent.

1002

(CAPTION)

ORDER FOR HEARING

See Form 553, as to: (1) Form.

*Reference:* K.S.A. 59-2286; S. Ct. Rule No. 111.

*Time:* When the Petition is filed.

*Comment:* Upon the filing of the Petition the court shall enter an order fixing the date and hour for hearing it, which date shall not be less than 10 days from the date of entry of the order. However, if the court orders notice pursuant to K.S.A. 59-2209 the hearing could not be scheduled as soon.

If real estate is involved notice shall be pursuant to K.S.A. 59-2209. In all other cases notice shall be pursuant to K.S.A. 59-2208.

1003

(CAPTION)

**NOTICE OF HEARING**

See generally form 554, for Notice of Hearing pursuant to K.S.A. 59-2209. See generally form 589, for Notice of Hearing pursuant to K.S.A. 59-2208.

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*Reference:* K.S.A. 59-2208; 59-2209; 59-2286; S. Ct. Rule No. 111.

*Time:* As set forth in the Order.

*Comment:* If real estate is involved notice shall be pursuant to K.S.A. 59-2209. In all other cases notice shall be pursuant to K.S.A. 59-2208.

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1004

(CAPTION)

**AFFIDAVIT OF SERVICE**

See Form 506, as to (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

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1005

(CAPTION)

**AFFIDAVIT PURSUANT TO SOLDIERS' AND  
SAILORS' CIVIL RELIEF ACT**

See Form 522, as to (1) Form,  
(2) Reference, and  
(3) Comment.

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1006

(CAPTION)

**JOURNAL ENTRY OF TERMINATION OF JOINT TENANCY**

On June 1, 1987, comes on for hearing the Petition for Termination of Estate in Joint Tenancy filed by Fran Harris.

Petitioner appears in person and by attorneys Pleader, Pleader and Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds:

(1) Notice of this hearing has been given as required by law and the order of this court and proof thereof has been filed herein.

(2) The allegations of the petition are true.

(3) All the terms of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, have been complied with as to any interested person or persons who are in the service of the United States or its allies.

(4) Petitioner is the surviving joint tenant of the following described real and personal property:

(a) Real Estate:	
<i>Description</i>	<i>Surviving Joint Tenant</i>
<u>Northeast quarter of Section 24, Township 18, Range 30, West of the 6th P.M. containing 160 acres, more or less, Apache County, Kansas.</u>	<u>Fran Harris</u>

(b) Personal Property:	
<i>Description</i>	<i>Surviving Joint Tenant</i>
<u>Certificate of deposit with Hometown State Bank, Hometown, Kansas, Certificate No. 2122, in the name of Floyd Harris and Fran Harris as joint tenants and not as tenants in common, in the amount of \$3,000 plus accrued interest.</u>	<u>Fran Harris</u>

5. The names, ages, relationships, residences and addresses of the heirs of the decedent, so far as known or with reasonable diligence be ascertained are:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Residential Address</i>	<i>Mailing Address</i>
<u>Fran Harris</u>	<u>Adult</u>	<u>Wife</u>	<u>109 N. 9th Street,</u> <u>Hometown, KS 66648</u>	<u>Same</u>
<u>Steve Harris</u>	<u>Adult</u>	<u>Son</u>	<u>109 N. 9th Street,</u> <u>Hometown, KS 66648</u>	<u>Same</u>
<u>Susan Harris</u>	<u>Adult</u>	<u>Daughter</u>	<u>109 N. 9th Street,</u> <u>Hometown, KS 66648</u>	<u>Same</u>

6. The names, ages, residence and address of any other persons who claim an interest in the above described real or personal property so far as known by the petitioner are:

<i>Name</i>	<i>Age</i>	<i>Residence Address</i>	<i>Mailing Address</i>	<i>Interest Claimed</i>
(NONE)				

7. All taxes imposed by the State of Kansas and the United States have been paid.  
IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this court.

(B) Any and all state inheritance taxes owing and due have been paid.

(C) Floyd Harris died intestate at Hometown, Kansas on January 15, 1987.

(D) The death of Floyd Harris terminated decedent's joint tenancy interest in the following real and personal property.

(1) Real Estate:	
<i>Description</i>	<i>Surviving Joint Tenant</i>
<u>Northeast quarter of Section 24, Township 18, Range 30, West of the 6th P.M. containing 160 acres, more or less, Apache County, Kansas.</u>	<u>Fran Harris</u>

(2) Personal Property:	
<i>Description</i>	<i>Surviving Joint Tenant</i>
<u>Certificate of deposit with Hometown State Bank, Hometown, Kansas, Certificate No. 2122, in the name of Floyd Harris and Fran Harris as joint tenants and not as tenants in common, in the amount of \$3,000 plus accrued interest.</u>	<u>Fran Harris</u>

(E) Title to the above described real and personal property devolved to Fran Harris,  
decedent's surviving joint tenant.

A.L. MANN  
JUDGE

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR  
By: W. B. Pleader  
The Hometown State Bank Building  
Hometown, KS 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-2286; S. Ct. Rule No. 111.  
*Time:* After Notice of Hearing.  
*Comment:* Upon entry, the order or decree, unless appealed as provided by law  
within 30 days from the date served, shall be conclusive of the facts therein found  
as to all purchasers, encumbrancers or lienors of such real or personal property  
acquiring their titles, encumbrances or liens in good faith, relying on this decree.

**SPECIAL JUDICIAL PROCEDURES WITHIN**  
**ADMINISTRATION**

**SPECIAL ADMINISTRATION**

<i>Title</i>	<i>Form No.</i>
Petition for Appointment of Special Administrator .....	1101
Order for Hearing .....	1102
Order Appointing Special Administrator .....	1103
Oath of Special Administrator .....	1104
Bond of Special Administrator .....	1105
Letters of Special Administration .....	1106
Petition for Order Approving Accounting and Closing Special Administration .....	1107
Order for Hearing .....	1108
Order Approving Accounting and Closing Special Administration .....	1109
Receipt .....	1110
Journal Entry of Final Discharge of Special Administrator .....	1111

1101

**IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS**

In the Matter of the Estate of	}	No. <u>4000</u>
<u>John Doe</u> , Deceased		

(Petition Pursuant to K.S.A. Chapter 59)

**PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR**

COMES NOW Mary Doe, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 1, Hometown, Kansas 66648.
2. Petitioner is the widow and heir at law of the decedent.
3. John Doe died at Hometown, Kansas, on July 3, 1986. At the time of death decedent was a resident of Apache County, Kansas and a citizen of the United States.
4. A petition for appointment of a personal representative has been filed.
5. Decedent owned at the time of death:
  - (a) Approximately five hundred acres of growing wheat which should be harvested, sold or otherwise disposed of to avoid a substantial loss thereof.
  - (b) A retail produce business which decedent also operated and which consists of a substantial inventory of fruit, vegetables and other perishable products, and the operation of the business should be continued for the purpose of avoiding a substantial or total loss.
6. A Special Administrator should be appointed to perform the following duties until a further Order of the Court.
  - (a) Harvest the growing crops owned by the decedent at the time of death; sell and dispose of the harvested grain by current, customary and practical methods; and pay from the proceeds of the sale all necessary expenses incurred in the harvesting and sale, pursuant to K.S.A. 59-1402.



- (b) Take into possession the retail produce business owned and operated by the decedent at the time of death; continue to manage, conduct and operate the same in such manner and to such extent as is determined to be in the best interests of decedent's Estate, pursuant to K.S.A. 59-1402.

7. Theodore R. Doe, a resident of the State of Kansas, whose address is 1120 Main Street, Metropolis, Kansas, 66648, is a fit and proper person to be appointed Special Administrator of the Estate of John Doe, deceased and upon qualifying by filing with this Court an oath and bond, as required by law and by the Orders of this Court, Letters of Special Administration should be issued.

WHEREFORE, Petitioner prays Theodore R. Doe be appointed Special Administrator of the Estate of John Doe, deceased; Letters of Special Administration granting the specific authority above requested be issued to Theodore R. Doe upon qualifying by filing with this Court an oath and such bond as the Court may require.

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MARY DOE  
PETITIONER

(V E R I F I C A T I O N)

See Form 503

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorney for Petitioner

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*Reference:* K.S.A. 59-704; 59-710; 59-1402; 59-2202; 59-2204; S. Ct. Rule No. 111.  
*Time:* Except pursuant to K.S.A. 59-2239(2)(b), the petition may be filed only after filing of Petition for Appointment of Executor or Administrator, or after the appointment of either.

*Comment:* Adequate and proper showing must be made as to the necessity for Special Administration. A request for appointment of Special Administrator may be included in Petition for Appointment of Executor or Administrator by including appropriate allegations therein.

If Petitioner is a corporation, see form 1201 for form of corporate verification.

In testate situations see K.S.A. 59-704 prior to petitioning for special administration.

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1102

(CAPTION)

ORDER FOR HEARING

On July 5, 1986, the Court finds that the Petition for Appoinment of Special Administrator filed by Mary Doe, should be set for immediate hearing, and notice

of the time and place of hearing by publication or otherwise is not necessary or required by law.

IT IS SO ORDERED.

A. L. MANN

JUDGE

(S E A L)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(910) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-710; 59-2204; 59-2208; S. Ct. Rule No. 111.

*Time:* The Petition must be set for hearing, but may be heard immediately, unless the Court requires notice.

1103

(CAPTION)

### ORDER APPOINTING SPECIAL ADMINISTRATOR

On July 5, 1986, comes on for hearing the Petition for Appointment of Special Administrator filed herein by Mary Doe.

Petitioner appears in person and by attorneys, Pleader, Pleader & Tryor. Theodore R. Doe appears in person. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of the time and place of hearing is not necessary or required by law.
2. Allegations of the Petition are true.
3. John Doe, a resident of Apache County, Kansas, died on July 3, 1986, leaving an Estate to be administered.
4. Decedent owned at the time of death:
  - (a) Approximately five hundred acres of growing wheat which should be harvested, sold or otherwise disposed of to avoid a substantial loss.
  - (b) A retail produce business which decedent also operated and which consists of a substantial inventory of fruit, vegetables and other perishable products, and the operation of the business should be continued for the purpose of avoiding a substantial or total loss.
5. A Special Administrator should be appointed to perform the following duties until a further Order of the Court:
  - (a) Harvest the growing crops owned by the decedent at the time of death; sell and dispose of the harvested grain by current, customary and practical methods; and pay from the proceeds of the sale all necessary expenses

incurred in the harvesting and sale, and such appointment shall continue until further order of the court, but not to exceed six months from the date of issuance of letters of special administration.

- (b) Take into decedent's possession the retail produce business owned and operated by the decedent at the time of decedent's death; continue to manage, conduct and operate the same in such manner and to such extent as Special Administrator shall determine to be in the best interests of decedent's Estate, and such appointment shall continue until further order of the court, but not to exceed six months from the date of issuance of letters of special administration.

6. Theodore R. Doe, a resident of Metropolis , Apache County, Kansas, is a fit and proper person to be appointed Special Administrator of the Estate.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are made a part of the order and decree of this Court.

(B) Theodore R. Doe is appointed Special Administrator of the Estate of John Doe deceased, and upon filing an oath and bond in the amount of \$5,000, Letters of Special Administration stating the specific duties hereinabove enumerated issue.

A. L. MANN

JUDGE

(S E A L)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-710; 59-1402; S. Ct. Rule No. 111.

*Time:* On date fixed for hearing, or any adjournment therefrom.

*Comment:* If bond is required, see K.S.A. 59-1101 and 59-1102.

1104

(CAPTION)

OATH OF SPECIAL ADMINISTRATOR

STATE OF KANSAS

COUNTY OF APACHE

} ss:

I, Theodore R. Doe, do solemnly swear I will faithfully, impartially, and to the best of my ability, discharge all of the duties of my trust according to law as Special Administrator of the Estate of John Doe, deceased, and that I am acting

on my own behalf and not on behalf of any bank or corporation organized or having its principal place of business outside the State of Kansas.

\_\_\_\_\_  
THEODORE R. DOE

SUBSCRIBED AND SWORN to before me on July 5, 1986.

\_\_\_\_\_  
A. L. MANN

JUDGE

(S E A L)

\_\_\_\_\_  
*Reference:* K.S.A. 59-1702; S. Ct. Rule No. 111.  
*Time:* Prior to issuance of Letters of Special Administration.  
*Comment:* The oath should contain specific language of statute.

1105

(CAPTION)

BOND OF SPECIAL ADMINISTRATOR

KNOW ALL PERSONS BY THESE PRESENTS:

We, Theodore R. Doe, as principal and N. M. Hanna as surety, are bound unto the State of Kansas in the sum of \$5,000, to the payment of which we bind ourselves, our personal representatives and their successors.

The condition of the above obligation is such that the above bounden Theodore R. Doe has been appointed by the District Court of Apache County, Kansas, Special Administrator of the Estate of John Doe, deceased.

Now if Theodore R. Doe, the Special Administrator shall faithfully discharge all the duties of trust according to law, then this obligation shall be void; otherwise shall remain in effect.

Dated and signed by us July 5, 1986.

\_\_\_\_\_  
THEODORE R. DOE

PRINCIPAL

\_\_\_\_\_  
N. M. HANNA

SURETY

VERIFICATION OF SURETY

STATE OF KANSAS

COUNTY OF APACHE

} ss:

I, N. M. HANNA, being duly sworn, on my oath state:

I am worth, over and above all my liabilities and legal exemptions, the sum of \$5,000.

\_\_\_\_\_  
N. M. HANNA

SURETY

SUBSCRIBED AND SWORN to before me on July 5, 1986..

\_\_\_\_\_  
A. L. MANN

JUDGE

(S E A L)

The above bond taken and approved by me July 5, 1986.

\_\_\_\_\_  
A. L. MANN

JUDGE

(S E A L)

\_\_\_\_\_  
*Reference:* K.S.A. 59-710; 59-1101; 59-1102; S. Ct. Rule No. 111.

*Time:* Prior to issuance of Letters.

*Comment:* If required, bond must be approved and filed before Letters of Special Administration can be granted.

Where corporate surety bond is filed no verification of surety is necessary. See Form 607 generally.

1106

(CAPTION)

LETTERS OF SPECIAL ADMINISTRATION

KNOW ALL PERSONS BY THESE PRESENTS:

Theodore R. Doe of Metropolis, Apache County, Kansas, having been appointed and having qualified as Special Administrator of the Estate of John Doe, deceased, is hereby granted Letters of Special Administration to perform the following duties until further Order of the Court.

1. Harvest the growing crops owned by the decedent at the time of death; sell and dispose of the harvested grain by current, customary and practical methods; and pay from the proceeds of the sale all necessary expenses incurred in the harvesting and sale, and such appointment shall continue until further order of the court but not longer than January 4, 1987.
2. Take into possession the retail produce business owned and operated by the decedent at the time of death: continue to manage, conduct and operate the same in such manner and to such extent as special administrator shall determine to be in the best interests of decedent's Estate, and such appointment shall continue until further order of the court but not longer than January 4, 1987.

IN WITNESS WHEREOF, I, the undersigned District Judge, have subscribed my name and affixed the seal of this Court at Metropolis, Apache County, Kansas, this July 5, 1986.

\_\_\_\_\_  
A. L. MANN

JUDGE

History: (S E A L)

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Special Administrator

*Reference:* K.S.A. 59-710; S. Ct. Rule No. 111.  
*Time:* As soon as the oath and bond, if required, are approved.  
*Comment:* Letters shall enumerate specific duties, if any, which Special Administrator is authorized to perform.

1107

(CAPTION)

PETITION FOR ORDER APPROVING ACCOUNTING AND  
CLOSING SPECIAL ADMINISTRATION

COMES NOW Theodore R. Doe, Special Administrator, and alleges:

1. Letters of Special Administration were granted to Theodore R. Doe on July 5, 1986.
2. A complete and accurate account of the administration as Special Administrator is attached hereto, marked Exhibit "A", incorporated herein by reference, and should be settled and allowed by the Court.
3. Letters Testamentary were granted to Mary Doe on the August 4, 1986, and there is no need for further Special Administration.
4. Petitioner has performed valuable services in the Estate as Special Administrator, and shows petitioner has employed Pleader, Pleader & Tryor, as attorneys; these attorneys have performed valuable services in the Estate and an allowance should be made for petitioner's services and the services of the attorneys as follows:
  - (a) To the Special Administrator for compensation in the sum of \$ xxx.xx and expenses in the sum of \$ xxx.xx .
  - (b) To the Special Administrator for attorneys' fees in the sum of \$ xxx.xx and their expenses in the sum of \$ xxx.xx .
5. After payment of allowances, fees and Court costs, the balance in the Special Administrator's account, together with all other assets and property remaining in Petitioner's hands belonging to decedent's Estate, should be paid and delivered by Petitioner to Mary Doe, Executor of the Estate.

WHEREFORE, Petitioner prays the account be settled and allowed and the Special Administration be closed; the Court find the allowances requested for Special Administrator's compensation and expenses, attorneys' fees and expenses are reasonable, should be allowed; Court costs be determined and ordered paid; the remaining property accounted for herein, be ordered paid and delivered to Mary Doe, Executor of the Estate of John Doe, deceased; and upon the filing of receipts herein evidencing such payment and delivery, Petitioner and the surety on Petitioner's bond be discharged from any and all further duties or liabilities in the premises.

THEODORE R. DOE  
PETITIONER

STATE OF KANSAS }  
COUNTY OF APACHE } ss:

Theodore R. Doe, of lawful age, being first duly sworn, on oath states:  
I am the Petitioner above named; I have read the above Petition for Order Approving Accounting and Closing Special Administration and the attached Accounting; know the content thereof, and all the statements made are true.

THEODORE R. DOE

SUBSCRIBED AND SWORN to before me on August 4, 1986.

NEVA WRIGHT  
NOTARY PUBLIC

(S E A L)  
My Appointment Expires:  
January 10, 1990

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Special Administrator

*Reference:* K.S.A. 59-710; 59-1502; 59-1703; 59-1717; 59-1718; 59-2208; S. Ct. Rule No. 111.

*Time:* When the need for special administration has expired. Other accountings must be filed upon the order of the court.

*Comment:* A copy of the accounting may be provided the Special Administrator's Surety or the company writing the surety bond.

Although a formal notice of hearing on the Petition for Order Approving Accounting and Closing Special Administration is not required by statute, the Court may direct that such notice be given pursuant to K.S.A. 59-2208.

If fees are to be allowed, it is considered to be the better practice that the Order for Hearing direct notice be given and proof of service made thereof.

If the petition is to be heard without notice, see form 1102. If notice by mail is required, see form 553, Order for Hearing, and form 507, Affidavit of Service.

EXHIBIT "A"

(To be attached to Petition as an Exhibit)

ACCOUNT OF THEODORE R. DOE SPECIAL ADMINISTRATOR  
OF THE ESTATE OF JOHN DOE, DECEASED  
July 3, 1986-July 24, 1986

RECEIPTS

Date	Received From	Explanation	Amount
7-5-86	The Hometown State Bank, Hometown, KS.	Proceeds from decedent's produce business checking account	\$1,000.00
7-6-86	The Hometown Grain Company, Hometown, Kansas	Sale of wheat—3,000 bushels at \$1.50	\$4,500.00

7-7-86	The Hometown Grain Company, Hometown, Kansas	Sale of wheat—2,650 bushels at \$1.48	\$3,922.00
7-8-86	The Hometown Grain Company, Hometown, Kansas	Sale of wheat—4,050 bushels at \$1.40	\$5,670.00
7-9-86	The Hometown Grain Company, Hometown, Kansas	Sale of wheat—2,800 bushels at \$1.40	\$3,920.00
7-10-86	Doe's Produce Store, Hometown, Kansas	Proceeds from operation of business July 3 through July 9	\$1,400.90
7-13-86	Frank Smith, Hometown, Kansas	Collection of account owed to decedent's produce business	\$ 250.00
7-17-86	Doe's Produce Store, Hometown, Kansas	Proceeds from operation of business July 10 through July 16	\$1,700.00
7-23-86	Doe's Produce Store, Hometown, Kansas	Proceeds from operation of business July 17 to twelve o'clock noon August 4	\$1,500.00
TOTAL RECEIPTS			\$23,862.90

DISBURSEMENTS

Date	Paid To	Purpose	Amount
7-10-86	John Corn, Hometown, Kansas	Salary of employee of produce business	\$ 200.00
7-10-86	Mary Peach, Hometown, Kansas	Salary of employee of produce business	\$ 100.00
7-10-86	Orval Pear, Hometown, Kansas	Salary of employee of produce business	\$ 100.00
7-10-86	Wholesale Produce Company, Metropolis, Kansas	Produce purchased for business	\$ 500.00
7-10-86	Clean Cut Harvesters, Open Range, Texas	Payment for combining	\$2,250.00
7-10-86	I. M. Trucker, Hometown, Kansas	Payment for hauling grain	\$1,250.00
7-15-86	City of Hometown, Hometown, Kansas	Water bill for produce business	\$ 40.00
7-15-86	Bright Light Company, Hometown, Kansas	Electric bill for produce business	\$ 200.00
7-15-86	Blue Flame Gas Company, Hometown, Kansas	Gas bill for produce business	\$ 75.00
7-15-86	High Pole Telephone Company, Hometown, Kansas	Telephone bill for produce business	\$ 25.00
7-24-86	John Corn, Hometown, Kansas	Salary of employee of produce business	\$ 200.00
7-24-86	Mary Peach, Hometown, Kansas	Salary of employee of produce business	\$ 100.00
7-24-86	Orval Pear, Hometown, Kansas	Salary of employee of produce business	\$ 100.00
7-24-86	Wholesale Produce Company, Metropolis, Kansas	Produce purchased for business	\$ 650.00
7-24-86	John Corn, Hometown, Kansas	Salary of employee of produce business	\$ 200.00
7-24-86	Mary Peach, Hometown, Kansas	Salary of employee of produce business	\$ 100.00
7-24-86	Orval Pear, Hometown, Kansas	Salary of employee of produce business	\$ 100.00
7-24-86	Wholesale Produce Company, Metropolis, Kansas	Produce purchased for business	\$ 500.00
TOTAL DISBURSEMENTS			\$ 6,690.00



RECAPITULATION

TOTAL RECEIPTS .....	\$23,862.90
TOTAL DISBURSEMENTS.....	<u>6,690.00</u>
BALANCE ON HAND .....	\$17,172.90

The above stated balance on hand is carried in a checking account with The Hometown State Bank, Hometown, Kansas, under the name and style of Theodore R. Doe, Special Administrator, Estate of John Doe, deceased.

Including the cash balance belonging to the Estate of \$17,172.90, the Special Administrator accounts for the following items of personal property belonging to the Estate of decedent, as follows:

- (a) Retail produce business, including merchandise inventory and all other assets pertaining thereto.
- (b) One Thousand bushels of wheat (current harvest) stored on land belonging to decedent's Estate.

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1108

ORDER FOR HEARING

See Form 1102, as to: (1) Form.

*Reference:* K.S.A. 59-710; 59-2204; 59-2208; S. Ct. Rule No. 111.  
*Time:* The Petition must be set for hearing, but may be heard immediately unless the Court requires notice.  
*Comment:* If the Court requires Notice, see generally Forms 553, 554 and 555.

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1109

(CAPTION)

ORDER APPROVING ACCOUNTING  
AND CLOSING SPECIAL ADMINISTRATION

On August 4, 1987, comes on for hearing the Petition for Order Approving Accounting and Closing Special Administration filed herein by Theodore R. Doe.

Petitioner appears in person and by attorneys, Pleader, Pleader & Tryor. Mary Doe, Executor of the Estate of John Doe, deceased, appears in person. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of the time and place of hearing is not necessary or required by law.
2. The allegations of the Petition are true.
3. Theodore R. Doe is the appointed, qualified and acting Special Administrator of the Estate of John Doe, deceased.
4. The Accounting of the Special Administrator filed herein is true and correct and should be settled and allowed.
5. Letters Testamentary were issued to Mary Doe on August 4, 1987, and there is no need for further Special Administration.
6. Theodore R. Doe is entitled to compensation for services as Special Administrator; has employed Pleader, Pleader & Tryor as attorneys in the Estate; there are

no other costs due the Court; the following fees, expenses and costs are reasonable and should be paid:

- (a) To the Special Administrator for services in the sum of \$ xxx.xx and expenses in the sum of \$ xxx.xx.
- (b) To the Special Administrator for attorneys' fees in the sum of \$ xxx.xx and their expenses in the sum of \$ xxx.xx.

7. After the payment of compensation and attorney fees and costs, the remaining property on hand in the amount of \$ xxx.xx, together with all other property accounted for herein, should be paid and delivered to Mary Doe, Executor of the Estate of John Doe, deceased.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are made a part of the order and decree of this Court.

(B) The Accounting of the Special Administrator is hereby settled and allowed; the Petitioner pay to Special Administrator compensation for services and expenses as Special Administrator, and a fee and expense to Pleader, Pleader & Tryor, attorneys, the sum stated; and all of the sums be paid from funds belonging to decedent's Estate.

(C) The remaining cash on hand, together with all other property accounted for herein, be paid and delivered to Mary Doe, Executor of the Estate of John Doe, deceased; the Special Administration be closed; upon the filing of receipts herein, evidencing payment and delivery as authorized and directed, the Special Administrator be discharged and the special administrator and the surety on the bond be released from any and all further liability.

\_\_\_\_\_  
A. L. MANN

JUDGE

(S E A L)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Special Administrator

\_\_\_\_\_  
*Reference:* K.S.A. 59-710; 59-1717; 59-1718; S. Ct. Rule No. 111.

*Comment:* The Order Approving Accounting and Closing Special Administration should approve the accounting; allow fees and grant authority to pay them; direct the disposition of the assets, and close the Special Administration.

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1110

(CAPTION)

RECEIPT

I, the undersigned Executor of the Estate of John Doe, deceased, have received from Theodore R. Doe Special Administrator, the sum of \$ xxx.xx, together with all other property belonging to decedent's Estate, as enumerated in the Accounting approved by the Court on August 4, 1986.

Dated August 4, 1986

\_\_\_\_\_  
MARY DOE  
EXECUTOR

\_\_\_\_\_  
*Reference:* K.S.A. 59-710; 59-1505; 59-1718; S. Ct. Rule No. 111.

*Time:* Prior to the Order Discharging Special Administrator.

*Comment:* Before discharge, the Special Administrator should file receipts showing compliance with the Order Approving Accounting and Closing Special Administration.

1111

(CAPTION)

JOURNAL ENTRY OF FINAL DISCHARGE OF SPECIAL ADMINISTRATOR

On August 4, 1987, the Court finds Theodore R. Doe, Special Administrator, has filed all receipts evidencing payment and delivery, as authorized and directed by Order of this Court dated August 4, 1978.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED Theodore R. Doe, Special Administrator, is discharged and Theodore R. Doe and bond surety is released from any and all further liability.

\_\_\_\_\_  
A. L. MANN  
JUDGE

(S E A L)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Special Administration

\_\_\_\_\_  
*Reference:* K.S.A. 59-710; 59-1718; S. Ct. Rule No. 111.

*Time:* Whenever the receipts are filed and the Order Closing Special Administration has been complied with in other respects.

*Comment:* The Order should contain a release of the surety, if applicable.

# ALLOWANCE OF DEMAND

Title

Form No.

Petition for Allowance and Classification of Demand .....	1201
Order for Hearing .....	1202
Notice of Hearing .....	1203
Affidavit of Service .....	1204
Order Allowing and Classifying Demand .....	1205

1201

## IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

No. 4000

JOHN DOE, Deceased

(Petition Pursuant to K.S.A. Chapter 59)

### PETITION FOR ALLOWANCE AND CLASSIFICATION OF DEMAND

COMES NOW Ritz Mortuary, Inc. by its President, R. G. Mortis, Petitioner, and alleges:

1. Petitioner is a duly licensed mortuary with its place of business at 101 Main Street, Hometown, Apache County, Kansas.

2. It has a valid demand against the Estate of John Doe, as follows:

Date	Item	Amount
<u>July 6, 1986</u>	<u>Funeral Service</u>	<u>\$3,000.00</u>
The Estate is entitled to the following setoff:		None
Net Balance Due:		<u>\$3,000.00</u>

3. The demand for funeral service should be set for hearing, allowed and classified as a first class demand.

WHEREFORE, Petitioner prays this demand be set down for hearing, allowed in the amount above set forth and classified as a first class demand.

RITZ MORTUARY, INC.

by R. G. Mortis, President

*Petitioner*

STATE OF KANSAS

COUNTY OF APACHE

ss:

R. G. Mortis, of lawful age, being first duly sworn, upon oath, states:

I am President of Ritz Mortuary, Inc. I have read the above Petition for Allowance of Demand and all the statements therein made are true.

R. G. Mortis

*Affiant*

SUBSCRIBED AND SWORN to before me on August 19, 1987.

Neva Wright

*Notary Public*

(SEAL)

My Appointment Expires:

January 10, 1990

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

---

*Reference:* K.S.A. 59-1301; 59-2237; 59-2239; 59-2240; 59-2241; S. Ct. Rule No. 111.  
*Time:* Demands must be exhibited by filing Petition for Allowance of Demand within four months after the first published notice to creditors.

*Comment:* If Petitioner is not a corporation an appropriate form of verification should be used, see form 503. If the demand is a demand not due pursuant to 59-2240, or a contingent demand pursuant to 59-2241, allegation thereof should be made in the petition.

Any demand not exceeding \$1,500, other than a demand by the executor or administrator, duly itemized and verified and which is timely filed, may be paid by the executor or administrator without compliance with any of the provisions of this act relating to petition, notice of hearing, allowance by the court or otherwise. If a written defense to the petition of the executor or administrator for a final settlement and accounting is timely filed by any interested party which takes issue with payment of the demand by the executor or administrator, at the hearing on the petition the burden of proof shall be upon the executor or administrator to establish that the demand was due and owing by the estate. If the demand, or any part thereof, is disallowed by the court, the accounting of the executor or administrator shall not be allowed as to the disallowed demand, or part thereof.

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1202

### ORDER FOR HEARING

See Form 738, as to: (1) Form,  
(2) Time, and  
(3) Comment.

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*Reference:* K.S.A. 59-2208; 59-2237; S. Ct. Rule No. 111.

(1203)

(CAPTION)

**NOTICE OF HEARING**

**THE STATE OF KANSAS TO ALL PERSONS CONCERNED:**

You are hereby notified that a petition has been filed in this Court by Ritz Mortuary, Inc., a duly licensed mortuary with its place of business at 101 Main Street, Hometown, Apache County, Kansas, praying that its demand for funeral services in the amount of \$3,000 be allowed and classified as a first-class demand.

You are required to file your written defenses thereto on or before September 5, 1986, at 10:00 a.m. in the District Court, Apache County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the petition.

Mary Doe

*Executor*

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Executor

---

*Reference:* K.S.A. 59-2208; 59-2210; S. Ct. Rule No. 111.

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1204

**AFFIDAVIT OF SERVICE**

See Form 735, as to: (1) Form,  
(2) Time, and  
(3) Comment.

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*Reference:* K.S.A. 59-2208; 59-2211; S. Ct. Rule No. 111.

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1205

(CAPTION)

**ORDER ALLOWING AND CLASSIFYING DEMAND**

On September 5, 1986, comes on for hearing the Petition for Allowance and Classification of Demand hereinafter set out.

Ritz Mortuary, Inc. appears by its attorney C. D. Graves. Mary Doe, Executor, appears by attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of this hearing has been given as required by law and the Order of this Court and proof thereof has been filed herein and is approved.

2. The allegations of the Petition are true.

3. The Petitioner's demand should be adjudicated as follows:

<i>Petitioner</i>	<i>Amount</i>	<i>Allowed Amount</i>	<i>Disallowed Classification</i>
<u>Ritz Mortuary, Inc.</u>	<u>\$3,000.00</u>	<u>None</u>	<u>First-Class</u>

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED  
AND DECREED:

(A) The above findings are made a part of the order and decree of this Court.

(B) The demand shall be paid pursuant to K.S.A. 59-1302.

A. L. MANN

JUDGE

(SEAL)

APPROVED:

BY: C. D. GRAVES

C. D. GRAVES

222 Second Street

Hometown, Kansas 66648

(913) 444-0000

Attorney for Petitioner

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Executor

*Reference:* K.S.A. 59-1301; 59-1302; 59-1303; 59-2237; 59-2240; 59-2241; S. Ct. Rule  
No. 111.

*Comment:* If it is desired that the allowed demands be paid prior to the expiration  
of the nonclaim period such should be so ordered by the Court and the require-  
ment and terms of bond, if any, should be stated.

STATUTORY ALLOWANCE

Title

Form No.

Petition for Statutory Allowance .....	1301
Order for Hearing .....	1302
Notice of Hearing .....	1303
Affidavit of Service .....	1304
Order for Statutory Allowance .....	1305
Receipt .....	1306

1301

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of  
JOHN DOE, Deceased  
Petition Pursuant to K.S.A. Chapter 59)

}

No. 4000

PETITION FOR STATUTORY ALLOWANCE

COMES NOW Mary Doe, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, and Petitioner's address is Route 1, Hometown, Kansas 66648.

2. Petitioner is the surviving spouse of the decedent, the decedent left no minor children.

3. Certain personal property and money owned by the decedent at the time of death as shown by the Inventory and Valuation should be set apart to Petitioner for Petitioner's use and benefit as authorized and described as follows:

(a) Pursuant to K.S.A. 59-403 (1):

(1) Furniture,

(2) Household Goods,

(3) Wearing Apparel,

used in the home of the decedent,

(4) Automobile (1969 Model Chevrolet Sedan, Id. No. 1234567890).

(b) Pursuant to K.S.A. 59-403(2) the sum of

\$7,500 consisting of the following:

(1) An allowance of \$7,000 in money,

(2) 25 Shares, Kansas Power & Light Common Stock @ \$20 (Certificate No. 508) of the appraised value of \$500.

WHEREFORE, Petitioner prays that the personal property above described, together with the sum of money specified, be set aside to Mary Doe free and clear of the payment of any of decedent's debts or other demands against decedent's Estate, except liens thereon existing at the time of death.

MARY DOE

Petitioner

STATE OF KANSAS

COUNTY OF APACHE

} ss:

Mary Doe, of lawful age, being first duly sworn, upon oath, states:  
I am the Petitioner above named; I have read the above Petition to Set Apart



Statutory Allowance; I know the content thereof, and all the statements therein made are true.

\_\_\_\_\_  
MARY DOE

*Petitioner*

SUBSCRIBED AND SWORN to before me on August 19, 1986.

\_\_\_\_\_  
NEVA WRIGHT

*Notary Public*

My Appointment Expires:

January 10, 1990

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

\_\_\_\_\_  
*Reference:* K.S.A. 59-403; 59-404; 59-2235; S. Ct. Rule No. 111.

*Time:* The Application may be made any time after the Inventory and Valuation is filed, and may be heard with or without notice.

*Comment:* The amount of the spouse's allowance is to be determined by the Court based upon the condition of the estate, subject to a statutory minimum of \$750 and a maximum of \$7,500.

If minor children, not living with the surviving spouse, are involved the court may apportion the allowance pursuant to K.S.A. 59-403 and a guardian ad litem should be appointed prior to the hearing (see forms 517 to 521).

1302

### ORDER FOR HEARING

If to be heard immediately see Form 518, as to: (1) Form,  
(2) Time, and  
(3) Comment.

\_\_\_\_\_  
*Reference:* K.S.A. 59-2234; S. Ct. Rule No. 111.

or

If to be heard with notice see Form 738, as to: (1) Form,  
(2) Time, and  
(3) Comment.

\_\_\_\_\_  
*Reference:* K.S.A. 59-2208; 59-2234; S. Ct. Rule No. 111.

## (CAPTION)

## NOTICE OF HEARING

## THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a petition has been filed in this Court by Mary Doe, surviving spouse of John Doe, deceased, praying that the following described personal property owned by the decedent at the time of death, to wit:

- (1) Furniture,
- (2) Household Goods,
- (3) Wearing Apparel,
- (4) Automobile (1969 Model Chevrolet 4-dr. Sedan, Id. No. 1234567890),
- (5) An allowance of \$7,000 in money,
- (6) 25 Shares, Kansas Power & Light Common Stock @ \$20 (Certificate No. 508)  
of the appraised value of \$500,

be set apart to Petitioner for Petitioner's use and benefit as a statutory allowance free and clear of the payments of any of decedent's debts or other demands against decedent's Estate, except liens thereon existing at the time of death.

You are required to file your written defenses thereto on or before September 3, 1986, at 10:00 a.m. in the District Court, Apache County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the petition.

\_\_\_\_\_  
MARY DOE

*Petitioner*

## APPROVED:

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

\_\_\_\_\_

*Reference:* K.S.A. 59-2208. 59-2210; S. Ct. Rule No. 111.

\_\_\_\_\_

## AFFIDAVIT OF SERVICE

See Form 735, as to: (1) Form,  
(2) Time, and  
(3) Comment.

\_\_\_\_\_

*Reference:* K.S.A. 59-2208; 59-2211; S. Ct. Rule No. 111.

\_\_\_\_\_

(CAPTION)

## ORDER FOR STATUTORY ALLOWANCE

On September 3, 1986, comes on for hearing the Petition For Statutory Allowance filed by Mary Doe.

Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of this hearing has been given as required by law and the Order of this Court and proof thereof has been filed herein and is approved.

2. The allegations of the petition are true.

3. Petitioner is the surviving spouse of the decedent; decedent left no minor children.

4. Petitioner is entitled to have the personal property selected by Petitioner pursuant to K.S.A. 59-403(1), set apart to Petitioner for Petitioner's use and benefit.

5. Petitioner is entitled to the allowance requested pursuant to K.S.A. 59-403(2), which allowance is determined by the Court to be reasonable after taking into account the condition of the Estate of the decedent.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) The following items of personal property and money are hereby allowed to Mary Doe, surviving spouse of John Doe, deceased, from decedent's Estate:

(1) Pursuant to K.S.A. 59-403(1):

(a) Furniture,

(b) Household Goods,

(c) Wearing Apparel,

(d) Automobile (1969 Model Chevrolet 4-dr. Sedan, Id. No. 1234567890),

(2) Pursuant to K.S.A. 59-403 (2):

The sum of \$7,500 consisting of the following:

(a) An allowance of \$7,000 in money,

(b) 25 Shares, Kansas Power & Light Common Stock @ \$20 (Certificate No. 508) of the appraised value of \$500,

(C) Property shall not be liable for the payment of any of the decedent's debts or other demands against decedent's Estate, except liens thereon existing at the time of death.

A. L. MANN

JUDGE

APPROVED:

PLEADER, PLEADER & TRYOR

BY W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-403; 59-404; 59-2235; S. Ct. Rule No. 111.

*Time:* The Order will usually issue on the day of the hearing.

*Comment:* The amount of the spouse's allowance is to be determined by the Court based upon the condition of the estate, subject to a statutory minimum of \$750 and a maximum of \$7,500.

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1306

(CAPTION)

R E C E I P T

Received of Mary Doe, Executor of the Estate of John Doe, deceased, the following:

- (a) Furniture,
- (b) Household Goods,
- (c) Wearing Apparel,
- (d) Automobile (1969 Model Chevrolet 4-dr. Sedan, Id. No. 1234567890)
- (e) The sum of \$7,500 consisting of the following:
  - (1) An allowance of \$7,000 in money
  - (2) 25 Shares, Kansas Power & Light Common Stock @ \$20 (Certificate No. 508) of the appraised value of \$500,

authorized by the Order For Statutory Allowance of this Court.

Dated September 10, 1986.

\_\_\_\_\_  
MARY DOE

*Reference:* K.S.A. 59-1718; S. Ct. Rule No. 111.

*Comment:* Although payment and distribution is made in accordance with the Order of the Court, a receipt or other evidence of payment must be filed.

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SETTING APART HOMESTEAD

Title	Form No.
Petition to Set Apart Homestead .....	1401
Order for Hearing .....	1402
Notice of Hearing .....	1403
Affidavit of Service .....	1404
Order Setting Apart Homestead .....	1405

1401

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of  
JOHN DOE, Deceased  
(Petition pursuant to K.S.A. Chapter 59)

}  
No. 4000

PETITION TO SET APART HOMESTEAD

COMES NOW Mary Doe, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 1, Hometown, Kansas 66648.
2. Petitioner is the surviving spouse of the decedent; the decedent left no minor children ; Petitioner has a homestead interest in real estate situated in Apache County, Kansas owned and occupied as a residence by the decedent and decedent’s family at the time of death, described as follows:

The Northeast quarter of Section 26, Township 20 South, Range 30, West of the 6th P.M., containing 160 acres, more or less.

3. The real estate, since the date of decedent’s death, has been and is now occupied by Mary Doe as a residence and should be set apart to Petitioner as a homestead pursuant to K.S.A. 59-401 for Petitioner’s use and benefit.

WHEREFORE, Petitioner prays that the above described real estate together with all improvements thereon be determined to be a homestead and be set aside to Mary Doe, free and clear of the payment of any of decedent’s debts or other demands against decedent’s Estate, except as provided by K.S.A. 59-401.

MARY DOE

PETITIONER

(V E R I F I C A T I O N)

See Form 503

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-401; 59-402; 59-2235; S. Ct. Rule No. 111.

*Time:* The homestead should not be set aside until after the Inventory and Valuation is filed.

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1402

ORDER FOR HEARING

If to be heard immediately see Form 518, as to, (1) Form,  
(2) Time, and  
(3) Comment.

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*Reference:* 59-2234; 59-2235; S. Ct. Rule No. 111.

or

If to be heard after notice see Form 738, as to: (1) Form,  
(2) Time, and  
(3) Comment.

---

*Reference:* K.S.A. 59-2208; 59-2234; S. Ct. Rule No. 111.

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1403

(CAPTION)

NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by Mary Doe, spouse of John Doe, deceased, praying that:

The Northeast quarter of Section 26, Township 20 south, Range 30, West of the 6th P.M., containing 160 acres, more or less, Apache County, Kansas

be determined to be a homestead and be set aside to Mary Doe together with all improvements thereon, free and clear of the payment of any of decedent's debts or other demands against decedent's Estate, except as otherwise provided by K.S.A. 59-401.

You are required to file your written defenses thereto on or before September 1, 1986, at 10:00 a.m. in the District Court, Apache County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the petition.

Mary Doe

*Petitioner*

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

Reference: K.S.A. 59-2208; 59-2210; 59-2235; S. Ct. Rule No. 111.

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1404

**AFFIDAVIT OF SERVICE**

See Form 735, as to: (1) Form,  
(2) Time, and  
(3) Comment.

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1405

(CAPTION)

**ORDER SETTING APART HOMESTEAD**

On September 1, 1986, comes on for hearing the Petition to Set Apart Homestead filed by Mary Doe.

The Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of this hearing has been given as required by law and the Order of this Court and proof thereof has been duly filed herein and is hereby approved.

or

[1. Notice of the time and place of hearing is not necessary or required by law.]

2. The allegations of the Petition are true.

3. Mary Doe is the surviving spouse of the decedent; the decedent left no minor children; real estate owned and occupied as a residence by the decedent and decedent's family at the time of decedent's death, situated in Apache County, Kansas, is described as follows:

The Northeast quarter of Section 26, Township 20 south, Range 30, West of the 6th P.M., containing 160 acres, more or less.

4. The real estate, since the date of decedent's death, has been and is now occupied by Mary Doe as a residence and should be set apart to Petitioner as a homestead pursuant to K.S.A. 59-401 for Petitioner's use and benefit.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

A. The above findings are hereby made a part of the order and decree of this Court.

B. The above described real estate, together with all improvements thereon, are hereby set apart to Mary Doe as Petitioner's homestead free and clear of payment of any of decedent's debts or other demands against decedent's Estate, except as provided by K.S.A. 59-401.

A. L. MANN

JUDGE

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

---

*Reference:* K.S.A. 59-401; 59-2235; S. Ct. Rule No. 111.

*Time:* The Order will usually issue on the day of the hearing.

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**SALE OF PERSONAL PROPERTY**  
**(Private Sale)**

<i>Title</i>	<i>Form No.</i>
Petition for Sale of Personal Property at Private Sale .....	1501
Order for Hearing .....	1502
Notice of Hearing .....	1503
Affidavit of Service .....	1504
Order for Sale of Personal Property at Private Sale .....	1505
Report of Sale of Personal Property at Private Sale .....	1506

(Public Auction)

Petition for Sale of Personal Property at Public Auction .....	1511
Order for Hearing .....	1512
Notice of Hearing .....	1513
Affidavit of Service .....	1514
Order for Sale of Personal Property at Public Auction .....	1515
Notice of Sale .....	1516
Affidavit of Publication .....	1517
Report of Sale of Personal Property at Public Auction .....	1518

1501

**IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS**

In the Matter of the Estate of

JOHN JONES, Deceased

(Petition pursuant to K.S.A. Chapter 59)

No. 1234

**PETITION FOR SALE OF PERSONAL  
PROPERTY AT PRIVATE SALE**

COMES NOW Jack O. Jones, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 2, Hometown, Kansas 66648

2. Petitioner is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted by the Court on August 4, 1986.

3. Petitioner has on hand the following personal property listed in the Inventory and Valuation, not subject to statutory allowance in kind:

- (a) Certificate No. 1442 for 10 shares of common stock of Metropolis Development Company, Inc., appraised at \$150.00.
- (b) One 1970 Ford Galaxie 2-dr., I.D. No. FD7162498, appraised at \$2,000.
- (c) One Series "E" U. S. Savings Bond No. 1000001E issued June 6, 1982 maturity value \$500.00 appraised at \$375.00.

4. It is necessary to sell the personal property to pay debts, taxes and expenses of administration.

5. The personal property can be sold more advantageously at private sale.

6. Petitioner should be authorized to pay the costs of the sale.

WHEREFORE, Petitioner prays Petitioner be authorized to sell and convert into cash the personal property above described; to execute all instruments required to

transfer the ownership thereof; to surrender the U.S. Savings Bond for its cash value;  
the Court determine it is more advantageous to sell the personal property at private  
sale, and Petitioner be authorized to pay the costs of the sale.

JACK O. JONES

*Petitioner*

(V E R I F I C A T I O N)

See Form 503

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

---

*Reference:* K.S.A. 59-1405; 59-1407; 59-1413; 59-2204; 59-2242; S. Ct. Rule No. 111.

*Time:* Whenever necessary or desirable under 59-1407.

*Comment:* May be heard with or without notice.

If a will authorizes the fiduciary to sell property executor may exercise such  
power without order of the court and this form is not necessary.

In a testate estate the petition should contain an allegation in compliance with  
K.S.A. 59-1405.

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1502

ORDER FOR HEARING

If to be heard immediately see Form 518, as to: (1) Form, and  
(2) Time.

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*Reference:* K.S.A. 59-2204; 59-2208; 50-2242 S. Ct. Rule No. 111

*Comment:* Notice is discretionary with the court and exercisable pursuant to K.S.A.  
59-2208.

or

If to be heard with notice see Form 738, as to: (1) Form,  
(2) Time, and  
(3) Comment.

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*Reference:* K.S.A. 59-2204; 59-2208; 59-2210; 59-2242; S. Ct. Rule No. 111.

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1503

NOTICE OF HEARING

If to be heard with notice see Form 1203, as to: (1) Form, and  
(2) Reference.

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## AFFIDAVIT OF SERVICE

If to be heard with notice see Form 735, as to: (1) Form,  
 (2) Time, and  
 (3) Comment.

*Reference:* K.S.A. 59-2208; 59-2211; S. Ct. Rule No. 111.

(CAPTION)

ORDER FOR SALE OF PERSONAL  
PROPERTY AT PRIVATE SALE

On September 15, 1986, comes on for hearing the Petition for Sale of Personal Property at Private Sale filed by Jack O. Jones, Administrator.

The Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of the time and place of hearing is not necessary or required by law.

or

[1. Notice of this hearing has been given as required by law or the order of this court and proof thereof has been duly filed and is hereby approved.]

2. The allegations of the Petition are true.

3. The Petitioner has on hand certain personal property listed in the Inventory and Valuation, not subject to statutory allowance in kind, to wit:

(a) Certificate No. 1442 for 10 shares of Common Stock of Metropolis Development Company, Inc., appraised at \$150.00.

(b) One 1970 Ford Galaxy 2-dr., I. D. No. FD7162498, appraised at \$2,000.00.

(c) One series "E" U. S. Savings Bond No. 1000001E issued June 6, 1982 maturity value \$500.00 appraised at \$375.00 .

4. It is necessary to sell personal property to pay debts, taxes and expenses of administration.

5. Personal property can be sold more advantageously at private sale.

6. The Petitioner should be authorized to pay the costs of the sale.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) The Petitioner is authorized and directed to sell and convert into cash the personal property above described; to execute all instruments required to transfer the ownership, and to surrender the U.S. Savings Bond for its cash value.

(C) Personal property shall be sold at private sale for not less than three-fourths of the [valuation] [appraised value] thereof, and the petitioner be authorized to pay the costs of sale.

A. L. MANN

JUDGE

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR  
BY: W. B. PLEADER  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-1407; 59-2242; 59-2243; 59-2244; S. Ct. Rule No. 111.

*Time:* Without notice, on filing of petition, or with notice at such time as the Court may order.

*Comment:* No sale of personal property shall be made at private sale for less than three-fourths of the valuation pursuant to 59-1201 or in the event of appraisal, the appraised value pursuant to 59-1202.

1506

(CAPTION)

**REPORT OF SALE OF PERSONAL  
PROPERTY AT PRIVATE SALE**

COMES NOW Jack O. Jones and reports:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 1, Hometown, Kansas 66648

2. Petitioner is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted by the Court on the August 4, 1986.

3. Pursuant to an order entered the September 15, 1986, Petitioner sold and surrendered the following described personal property:

<i>Property</i>	<i>Buyer</i>	<i>Date of Sale</i>	<i>Price</i>
<u>10 shares of the common stock of the Metropolis Develpment Company, Inc.</u>	<u>Z. Z. Smith</u>	<u>9/16/86</u>	<u>\$125.00</u>
<u>One 1970 Ford Galaxy 2-dr. ID. No. FD7162498</u>	<u>A. S. Climber</u>	<u>9/17/86</u>	<u>\$2,000.00</u>
<u>One Series "E" U. S. Savings Bond No. 10000001E issued June 6, 1982</u>		<u>9/17/86</u>	<u>\$375.00</u>

and executed all instruments required to transfer ownership thereof.

4. The prices and terms were the best offers for the above described property and more than three-fourths of the appraised values.

5. Petitioner did not directly or indirectly purchase any interest in the above described property and is not interested in the purchase of the property sold.

6. The sale was conducted in all respects as provided by law and the Order of this Court.

JACK O. JONES  
ADMINISTRATOR

( V E R I F I C A T I O N )

See Form 503

SUBMITTED BY:

PLEADER, PLEADER & TRYOR  
By: W. B. PLEADER  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Administrator

*Reference:* K.S.A. 59-1703; 59-2245; S. Ct. Rule No. 111.  
*Time:* The Report must be made within 30 days of the sale.

1511

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of        }  
JOHN JONES, Deceased                }  
(Petition pursuant to K.S.A. Chapter 59)        No. 1234

PETITION FOR SALE OF PERSONAL  
PROPERTY AT PUBLIC AUCTION

COMES NOW Jack O. Jones, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 1, Hometown, Kansas 66648.
2. Petitioner is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted by the Court on August 4, 1986.
3. Petitioner has on hand the following personal property listed in the Inventory and Valuation, not subject to statutory allowance in kind, to wit:
  - (a) 1 1953 John Deere Tractor, serial no. XY3 123, appraised at \$1,000 .
  - (b) 1 1958 John Deere Combine, serial no. WQR 321, appraised at \$3,000.
4. It is necessary to sell the personal property to pay debts, taxes and expenses of administration.
5. Personal property can be sold more advantageously at public auction.
6. Petitioner should be authorized to pay the costs of the sale, including the expense of employing an auctioneer.

WHEREFORE, Petitioner prays Petitioner be authorized to sell and convert into cash the personal property above described and to execute all instruments required to transfer the ownership thereof; the Court determine it is more advantageous to sell the personal property at public auction, and Petitioner be authorized to pay the costs of the sale, including the expense of employing an auctioneer.

JACK O. JONES  
Petitioner

(V E R I F I C A T I O N)

See Form 503

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

---

*Reference:* K.S.A. 59-1405; 59-1407; 59-1413; 59-2204; 59-2242; S. Ct. Rule No. 111.

*Time:* Whenever necessary or desirable under 59-1407.

*Comment:* May be heard with or without notice.

If a will authorizes the fiduciary to sell property, Executor may exercise such power without order of the Court, and this form is not necessary.

In a testate estate the Petition should contain an allegation in compliance with K.S.A. 59-1405.

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1512

ORDER FOR HEARING

See Form 738, as to (1) Form,  
(2) Time, and  
(3) Comment.

---

*Reference:* K.S.A. 59-2204; 50-2208; 59-2242; S. Ct. Rule No. 111

*Comment:* Notice is discretionary with the Court and exercisable pursuant to K.S.A. 59-2208.

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1513

NOTICE OF HEARING

If to be heard with notice see Form 1203, as to: (1) Form, and  
(2) Reference.

---

1514

AFFIDAVIT OF SERVICE

If to be heard with notice see Form 735, as to (1) Form,  
(2) Time, and  
(3) Comment.

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*Reference:* K.S.A. 59-2208; 50-2211; S. Ct. Rule No. 111

---

(CAPTION)

## ORDER FOR SALE OF PERSONAL PROPERTY AT PUBLIC AUCTION

On September 15, 1986 comes on for hearing the Petition for Sale of Personal Property at Public Auction filed by Jack O. Jones, Administrator of the Estate of John O. Jones, deceased.

Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of the time and place of hearing is not necessary or required by law.

or

[1. Notice of this hearing has been given as required by law and the order of this Court and proof thereof has been duly filed and is hereby approved.]

2. The allegations of the Petition are true.

3. Petitioner has on hand certain personal property listed in the Inventory and Valuation, not subject to statutory allowance in kind, to wit:

(a) 1 1953 John Deere Tractor, serial no. XY3, appraised at \$1,000.

(b) 1 1958 John Deere Combine, serial no. WQR 321, appraised at \$3,000.

4. It is necessary to sell personal property to pay debts, taxes and expenses of administration.

5. Personal property can be sold more advantageously at public auction.

6. Petitioner should be authorized to pay the costs of sale, including the expense of employing an auctioneer.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) Petitioner is authorized and directed to sell and convert into cash the personal property hereinabove described and to execute all instruments required to transfer the ownership thereof.

(C) Personal property shall be sold at public auction after notice has been given as required by law and the Petitioner is authorized to pay the costs of sale, including the expense of employing an auctioneer.

A. L. MANN

JUDGE

(S E A L)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. Pleader

The Hometown State Bank Bldg.

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-1407; 59-2242; 59-2243; 59-2244; S. Ct. Rule No. 111..

*Time:* Order may be issued without notice, on filing of petition, or with notice at such time as the Court may order.

1516

First published in the Metropolis Herald, Monday September 20, 1986

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

}

No. 1234

JOHN JONES, Deceased

(Petition pursuant to K.S.A. Chapter 59)

NOTICE OF SALE

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that Jack O. Jones, Administrator of the above entitled Estate, will offer for sale at public auction the following described personal property:

(a) 1 1953 John Deere Tractor, serial no. XY3, appraised at \$1,000.

(b) 1 1958 John Deere Combine, serial no. WQR 321, appraised at \$3,000.

on October 5, 1986 at 10:00 a.m. upon the premises of the Green Auction Company, 220 Main, Hometown, Kansas 66648 to the highest bidder for cash.

All parties interested should take notice and govern themselves accordingly.

JACK O. JONES

ADMINISTRATOR

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Administrator

TO THE PUBLISHER: Please publish for two consecutive Mondays, commencing with September 20, 1986. Immediately after the first publication, please forward \_\_\_\_\_ copies of the above notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas 66648. Immediately after the second publication, make your proof of publication to the District Court, Courthouse, with copy to this office.

*Reference:* K.S.A. 59-2243; 64-102; S. Ct. Rule No. 111.

*Time:* The notice shall be published for ten days in the county where the sale is to be held.

*Comment:* In order to get maximum benefit of advertising some attorneys embody the above information on a "block type advertisement."



## AFFIDAVIT OF PUBLICATION

See Form 507, as to: (1) Form,  
 (2) Reference,  
 (3) Time, and  
 (4) Comment.

## (CAPTION)

## REPORT OF SALE OF PERSONAL PROPERTY AT PUBLIC AUCTION

COMES NOW Jack O. Jones, Petitioner, and reports:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 1, Hometown, Kansas 66648.

2. Petitioner is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted by the Court on August 4, 1986.

3. Pursuant to an Order entered September 15, 1986, Petitioner employed John Green as auctioneer and sold on October 5, 1986 at public auction all of the personal property described in the order, to the persons and for prices listed in the sale bill signed by the clerk, attached hereto and made a part hereof. The gross proceeds of the sale amounted to \$3,500, and the expenses thereof were as follows:

(a) Advertising expenses \$23.00.

(b) Auctioneer's commission \$175.00.

4. The prices and terms were the best offers for the above mentioned property.

5. Petitioner did not directly or indirectly purchase any interest in the above described property and is not interested in the purchase of the property sold.

6. The sale was conducted in all respects as provided by law and the Order of this Court.

JACK O. JONES  
ADMINISTRATOR

## (V E R I F I C A T I O N)

See Form 503

## SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Administrator

*Reference:* K.S.A. 59-1703; 59-2245; S. Ct. Rule No. 111.

*Time:* The Report shall be made within thirty days of the sale.

*Comment:* If a clerk was employed for such sale, a sale bill signed by the clerk should accompany the Report.

## SALE OF REAL ESTATE (Public Auction)

<i>Title</i>	<i>Form No.</i>
Petition for Sale of Real Estate at Public Auction .....	1601
Order for Hearing .....	1602
Notice of Hearing .....	1603
Affidavit of Service .....	1604
Affidavit of Publication .....	1605
Proceedings Under Soldiers' and Sailors' Civil Relief Act .....	1606
Proceedings for Appointment of Guardians Ad Litem .....	1607
Order to Sell Real Estate at Public Auction .....	1608
Notice of Sale .....	1609
Affidavit of Publication .....	1610
Report and Petition for Confirmation of Sale of Real Estate at Public Auction .....	1611
Order for Hearing .....	1612
Order Confirming Sale of Real Estate at Public Auction .....	1613
Rider to be Attached to Bond of <u>Administrator, Jack O. Jones,</u> on File Herein .....	1614
<u>Administrator's Deed</u> .....	1615
(Private Sale)	
Petition for Sale of Real Estate at Private Sale .....	1621
Order for Hearing .....	1622
Notice of Hearing .....	1623
Affidavit of Service .....	1624
Affidavit of Publication .....	1625
Proceedings Under Soldiers' and Sailors' Civil Relief Act .....	1626
Proceedings for Appointment of Guardians Ad Litem .....	1627
Order for Sale of Real Estate at Private Sale .....	1628
Certificate of Appraisers .....	1629
Report and Petition for Confirmation of Sale of Real Estate at Private Sale .....	1630
Order for Hearing .....	1631
Order Confirming Sale of Real Estate at Private Sale .....	1632
Rider to be Attached to Bond of <u>Administrator, Jack O. Jones,</u> on File Herein .....	1633
<u>Administrator's Deed</u> .....	1634
Private Sale (with confirmation included in order of sale)	
Report of Appointment and Petition for Approval of Appraiser .....	1641
Order for Hearing .....	1642
Order Approving Appointed Appraiser .....	1643
Certificate of Appraiser .....	1644
Petition for Sale of Real Estate at Private Sale and for Confirmation Thereof .....	1645
Order for Hearing .....	1646
Notice of Hearing .....	1647
Affidavit of Service .....	1648
Affidavit of Publication .....	1649
Proceedings Under Soldiers' and Sailors' Civil Relief Act .....	1650

<i>Title</i>	<i>Form No.</i>
Proceedings for Appointment of Guardians Ad Litem .....	1651
Order Authorizing and Confirming Sale of Real Estate at Private Sale .....	1652
Rider to be Attached to Bond of <u>Administrator, Jack O. Jones</u> , on File	
Herein .....	1653
<u>Administrator's Deed</u> .....	1654

1601

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of }  
JOHN JONES, Deceased } No. 87-P  
(Petition pursuant to K.S.A. Chapter 59)

PETITION FOR SALE OF REAL ESTATE AT PUBLIC AUCTION  
COMES NOW Jack O. Jones, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 1, Hometown, Kansas 66648.

2. Petitioner is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted by this Court on August 4, 1986.

3. Certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; this Estate is subject to the payment of debts, taxes and costs of administration, and there are insufficient funds and personal property to pay them.

4. The decedent at the time of death, owned the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less.

5. The above described real estate is not a homestead and is subject to the payment of debts of the decedent; it is necessary to sell the real estate for the payment of debts, taxes and costs of administration; and it can be more advantageously sold at public auction.

6. The Administrator should be authorized to pay the costs of the sale including an abstract of title or policy of title insurance and the expense of employing an auctioneer.

WHEREFORE, Petitioner prays for an Order of this Court finding it is in the best interests of the Estate the above described property be sold at public auction and the Administrator be authorized to pay the costs of the sale including an abstract of title or policy of title insurance and the expense of employing an auctioneer.

JACK O. JONES  
PETITIONER

(V E R I F I C A T I O N)

See Form 503

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

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*Reference:* K.S.A. 59-1410; 59-1412; 59-2201; 59-2202; 59-2303; 59-2312; S. Ct. Rule No. 111.

*Time:* Whenever necessary under 59-1410.

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1602

ORDER FOR HEARING

If notice is to be given by publication pursuant to 59-2209, see Form 553, as to:

- (1) Form, and
- (2) Time.

If notice is to be given by mail pursuant to 59-2208, see Form 733, as to:

- (1) Form,
- (2) Time, and
- (3) Comment.

i If notice is to be waived, pursuant to 59-2208 and 59-2304, see Form 513,  
as to:

- (1) Form,
  - (2) Reference, and
  - (3) Time.
- 

1603

NOTICE OF HEARING

If notice is to be given pursuant to 59-2209, see Form 733, as to:

- (1) Form, and
  - (2) Time.
- 

*Reference:* K.S.A. 59-2209; 59-2210; 59-2304; S. Ct. Rule No. 111.

or

If notice is to be given by mail, pursuant to 59-2208 and 59-2304, see Form 734,  
as to: (1) Form, and  
(2) Reference.

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1604

**AFFIDAVIT OF SERVICE**

See Form 506 as to: (1) Form (omit bracketed material),  
(2) Reference, and  
(3) Time.

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*Comment:* Whether notice is given pursuant to K.S.A. 59-2209 or 59-2208, the petition and attachments to it shall be served with the notice.

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1605

**AFFIDAVIT OF PUBLICATION**

See Form 507 as to: (1) Form,  
(2) Time, and  
(3) Comment.

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*Reference:* K.S.A. 59-2209; 59-2211; 59-2304; 64-101; S. Ct. Rule No. 111.

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1606

**PROCEEDINGS UNDER SOLDIERS' AND SAILORS' CIVIL RELIEF ACT**

The forms relating to proceedings under the Soldiers' and Sailors' Civil Relief Act are in the section containing Testate Forms. The pertinent forms are numbered 522 to 527 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
522	Affidavit Pursuant to Soldiers' & Sailors' Civil Relief Act
523	Petition for Appointment of Attorney Pursuant to Soldiers' & Sailors' Civil Relief Act
	or
	Petition for Appointment of Attorney to Represent Unknown Persons Pursuant to Soldiers' & Sailors' Civil Relief Act
524	Order for Hearing
525	Order Appointing Attorney to Represent Interests of Person Pursuant to Soldiers' & Sailors' Civil Relief Act
526	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
527	Written Defenses of Attorney Representing Interests of Person Pursuant to Soldiers' & Sailors' Civil Relief Act

---

## PROCEEDINGS FOR APPOINTMENT OF GUARDIANS AD LITEM

The forms relating to appointment of Guardians ad litem are in the section containing Testate Forms. The pertinent forms are numbered 517 to 521 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
517	Petition for Appointment of Guardian Ad Litem
518	Order for Hearing
519	Order Appointing Guardian Ad Litem
520	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
521	Written Defenses of Guardian Ad Litem

---

### (CAPTION)

## ORDER TO SELL REAL ESTATE AT PUBLIC AUCTION

On September 25, 1986, comes on for hearing the Petition for Sale of Real Estate at Public Auction, filed by Jack O. Jones, Administrator of the Estate of John Jones, deceased.

The Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs.
2. Notice of this hearing has been given as required by law and the Order of this Court, proof thereof has been duly filed herein and is hereby approved.
3. The allegations of the Petition are true.
4. The terms and provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, have been complied with as to any interested person or persons who are in the service of the United States or its allies.
5. Certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; this Estate is subject to the payment of debts, taxes and costs of administration, and there are insufficient funds and personal property to pay them.
6. The decedent, at the time of death, owned the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less.

7. The above described real estate is not a homestead and is subject to the payment of debts of the decedent; it is necessary to sell real estate for the payment of debts, taxes and costs of administration; and it can be more advantageously sold at public auction.

8. The Administrator should be authorized to pay the costs of the sale, including an abstract of title or policy of title insurance and the expense of employing an auctioneer.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) The Administrator is hereby authorized and directed to sell at public auction for cash, all of the above described real estate, the sale to be held at the east front door of the Courthouse in Metropolis, Apache County, Kansas.

(C) From the proceeds of the sale the Administrator is authorized to pay accrued taxes, the costs of the sale, the expense of employing an auctioneer not to exceed —% of the sale price and to provide an abstract of title or policy of title insurance.

(D) The Administrator is not required to file an additional bond herein.

or

[D. The Administrator is required to file an additional Bond in the sum of \$37,500 before a sale will be confirmed.]

A. L. MANN

JUDGE

(S E A L)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-1202; 59-2305; 59-2306; 59-2307; 59-2312; 59-2313; S. Ct. Rule No. 111.

*Time:* The Order will usually issue on the date fixed in the Notice.

*Comment:* The Order must specify the time of payment, the interest on deferred payment and the manner in which payment shall be secured. In no case shall the payment be deferred for more than one year from the date of the qualification of the executor or administrator making the sale.

The requirement of additional bond is discretionary with the court and may be required in the Order to Sell.

1609

First published in the Metropolis Herald, Monday, September 20, 1986

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

JOHN JONES, Deceased

}

No. 87-P

## NOTICE OF SALE

### THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that Jack O. Jones, Administrator of the above entitled Estate, will offer for sale at public auction the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less

on October 25, 1986 at 10:00 a.m. upon the above described premises to the highest bidder for cash. All parties interested should take notice and govern themselves accordingly.

JACK O. JONES  
ADMINISTRATOR

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Tuesdays, commencing with September 20, 1986. Immediately after the first publication please forward \_\_\_\_\_ copies of the above notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas 66648. Immediately after the third publication, make your proof of publication to the District Court, Courthouse, with copy to this office.

*Reference:* K.S.A. 59-2308; 64-102; S. Ct. Rule No. 111.

*Time:* The notice shall be published once a week for three consecutive weeks.

*Comment:* If the tracts to be sold are contiguous and lie in more than one county notice may be given and the sale made in either of such counties.

1610

## AFFIDAVIT OF PUBLICATION

See Form 507, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.



(CAPTION)

**REPORT AND PETITION FOR CONFIRMATION  
OF SALE OF REAL ESTATE AT PUBLIC AUCTION**

Comes Now Jack O. Jones, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 1, Hometown, Kansas 66648.

2. Petitioner is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted by this Court on the August 4, 1986.

3. Pursuant to an Order entered September 25, 1986, Petitioner sold at public auction the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less,

to L. S. Deed of Hometown, Kansas, for the sum of \$30,000.00, being the highest and best price offered therefor.

4. The above real estate is not liable for any charges, mortgage lien or encumbrances thereon except accrued taxes. The sale was for cash upon furnishing an abstract of title; accrued taxes to be paid by the Administrator.

5. Petitioner did not directly or indirectly acquire any beneficial interest in the above described real estate; is not interested in the property sold except as stated herein; and the sale was fairly conducted and legally made.

6. Petitioner employed I. C. Richlee as auctioneer at a commission of \_\_\_% of the sale price.

[7. Petitioner has filed herein an additional bond in the sum of \$37,500.00.]

WHEREFORE, Petitioner prays that this sale be confirmed and Petitioner be directed to execute and deliver to the purchaser an appropriate deed according to law upon the purchaser's compliance with the terms and conditions of the sale.

JACK O. JONES

PETITIONER

**V E R I F I C A T I O N**

(See Form 503)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Attorneys for Petitioner

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*Reference:* K.S.A. 59-1413; 59-2306; 59-2309; 59-2313; S. Ct. Rule No. 111.

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## ORDER FOR HEARING

See Form 518, as to: (1) Form,  
 (2) Reference, and  
 (3) Time.

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## (CAPTION)

ORDER CONFIRMING SALE OF REAL ESTATE  
AT PUBLIC AUCTION

On October 8, 1987, comes on for hearing the Report and Petition for Confirmation of Sale of Real Estate at Public Auction, filed by Jack O. Jones, Administrator, of the Estate of John Jones, deceased.

Petitioner appears in person and by attorneys, Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of this hearing is not necessary or required by law and the same may be heard forthwith.

2. The allegations of the Petition are true.

3. The Administrator sold at public auction the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less,

to L. S. Deed, of Hometown, Kansas, for the sum of \$30,000, being the highest and best price offered therefor, to be paid in cash upon delivery of an appropriate deed.

4. The above mentioned real estate is not liable for any charges, mortgage lien or encumbrances thereon except accrued taxes. The sale was for cash upon furnishing an abstract of title; accrued taxes to be paid by the Administrator.

5. The Administrator did not directly or indirectly acquire any beneficial interest in the above described real estate and is not interested in the property sold except as stated in the report, and the sale was fairly conducted and legally made.

6. The Administrator employed I. C. Richlee as auctioneer at a commission of — % of the sale price.

[7. The Administrator's additional bond in the sum of \$37,500 has been filed herein.]

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) The sale of real estate is hereby confirmed; the administrator is directed to execute and deliver to the purchaser an appropriate deed according to law, upon purchaser's compliance with the terms and conditions of the sale.

(C) The Administrator is authorized to pay from the proceeds of the sale accrued

taxes; the costs of the sale including abstract of title, and the auctioneer's fee to I.  
C. Richlee in the amount of \$\_\_\_\_\_.

A. L. MANN

JUDGE

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER, & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K S.A. 59-1413; 59-2309; 59-2312; 59-2313; S. Ct. Rule No. 111.  
*Time:* The Order may issue at any time after the filing of the Report.

1614

(CAPTION)

**RIDER TO BE ATTACHED TO BOND OF  
ADMINISTRATOR, JACK O. JONES  
ON FILE HEREIN**

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, Ace Bonding Company, Inc. executed, as surety, a certain Admin-  
istrator's bond in the penal sum of \$70,000.00, dated July 20, 1986, in favor of the  
State of Kansas, and on behalf of Jack O. Jones, Administrator, the bond having been  
filed in the District Court of Apache County, Kansas; and

WHEREAS, the Judge of the District Court of Apache County, Kansas, by order  
dated September 25, 1986, directed the penal sum of the bond be increased from  
\$70,000.00 to the sum of \$170,000.00, effective September 25, 1986.

NOW, THEREFORE, Jack O. Jones, as principal, and Ace Bonding Company,  
Inc., as surety, hereby amend the original bond by increasing the penal sum thereof  
from \$70,000.00 to \$170,000.00, effective September 25, 1986.

PROVIDED, HOWEVER, the bond, including this rider, shall be subject to all  
of its agreements, limitations and conditions except as expressly herein modified and  
further that the liability of the surety under the bond, as amended by this rider,  
shall be limited to the sum of \$170,000.00.

SIGNED, SEALED AND DATED, September 25, 1986.

JACK O. JONES

PRINCIPAL

ACE BONDING COMPANY, INC.

by N. M. HANNA

Attorney-in-fact

SURETY

The original bond herein as amended by this rider is examined and approved by me September 25, 1986.

A. L. MANN  
JUDGE

(S E A L)

1615

ADMINISTRATOR'S DEED

This indenture made October 14, 1986, by and between Jack O. Jones, Admin-istrator of the Estate of John Jones, deceased, grantor, and L. S. Deed, grantee.

Grantor, by virtue of an order of sale issued out of the District Court of Apache County, Kansas, and dated September 25, 1986, having sold the real estate hereinafter described in conformity with the order, and the sale thereof having been confirmed as provided by law, in consideration of the sum of \$80,000, which is not less than three-fourths of the appraised value of the real estate hereinafter described, the receipt of which is acknowledged, does by these presents, grant, bargain, sell and convey unto L. S. Deed, grantee's heirs and assigns, all right, title and interest of John Jones, deceased, discharged from liability for decedent's debts, in and to all of the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 30 South, Range 30 West, con-taining 160 acres, more or less.

TO HAVE AND TO HOLD the above granted premises, together with the ap-purtenances and hereditaments and every part thereof, unto L. S. Deed, grantee's heirs and assigns.

IN WITNESS WHEREOF, Grantor has executed this instrument October 14, 1986.

JACK O. JONES  
*Administrator of the Estate of  
John Jones, Deceased*

STATE OF KANSAS                    }  
COUNTY OF APACHE            } ss:

The foregoing instrument was acknowledged before me October 14, 1986, by Jack O. Jones, as Administrator of the Estate of John Jones, deceased.

NEVA WRIGHT  
*Notary public*

(SEAL)  
My Appointment Expires:  
January 10, 1990

Reference: K.S.A. 59-2309.

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1621

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of }  
JOHN JONES, Deceased }  
(Petion Pursuant to K.S.A. Chapter 59)

No. 4321

PETITION FOR SALE OF REAL ESTATE AT PRIVATE SALE

Comes Now Jack O. Jones, Petitioner, and alleges:

Petitioner is a resident of Apache County, Kansas whose address is Route 1, Hometown, Kansas 66648.

2. Petitioner is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted by this Court on August 4, 1986.

3. Certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; this Estate is subject to the payment of debts, taxes and costs of administration, and there are insufficient funds and personal property to pay them.

4. The decedent at the time of death, owned the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less.

5. The above described real estate is not a homestead and is subject to the payment of debts of the decedent; it is necessary to sell the real estate for the payment of debts, taxes and costs of administration; and it can be more advantageously sold at private sale.

6. The Administrator should be authorized to pay the costs of the sale including an abstract of title or policy of title insurance and a real estate commission.

7. The above described real estate has not been appraised pursuant to K.S.A. 59-2307.

8. Petitioner has named R. E. Dealer, A. G. Broker and S. N. Neighbor to appraise the above described real estate for the purpose of selling the real estate at private sale.

9. The appointed appraisers should be approved.

WHEREFORE, Petitioner prays for an Order of this Court finding it is necessary to sell the above described real estate and it is in the best interests of the Estate that the above described real estate be sold at private sale; the appointed appraisers be approved; the Administrator be authorized to pay the cost of the sale including an abstract of title or policy of title insurance and a real estate commission.

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JACK O. JONES  
PETITIONER

(V E R I F I C A T I O N)

See Form 503

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

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*Reference:* K.S.A. 59-1202; 59-1203; 59-1410; 59-1412; 59-2201; 59-2202; 59-2303; 59-2305; 59-2307; 59-2312; S. Ct. Rule No. 111.

*Time:* Whenever necessary under 59-1410.

*Comment:* A sale of real estate at private sale cannot be concluded on a valuation under 59-1202 or 59-1203, but only on an independent appraisalment under either 59-1202 or 59-2307.

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1622

ORDER FOR HEARING

If notice is to be given by publication pursuant to 59-2209, see Form 553, as to:

- (1) Form, and
- (2) Time.

If notice is to be given by mail pursuant to 59-2208, see Form 733, as to:

- (1) Form,
- (2) Time, and
- (3) Comment.

If notice is to be waived, pursuant to 59-2208 and 59-2304, see Form 513, as to:

- (1) Form,
  - (2) Reference, and
  - (3) Time.
- 

1623

NOTICE OF HEARING

If notice is to be given pursuant to 59-2209, see Form 733, as to: (1) Form, and  
(2) Time.

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*Reference:* K.S.A. 59-2209; 59-2210; 59-2304; S. Ct. Rule No. 111.

or

If notice is to be given by mail, pursuant to 59-2208 and 59-2304, see Form 734,  
as to: (1) Form, and  
(2) Reference.

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1624

**AFFIDAVIT OF SERVICE**

See Form 506, as to: (1) Form,  
(2) Reference, and  
(3) Time.

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*Comment:* Whether notice is given pursuant to K.S.A. 59-2209 or 59-2208, the petition and attachments to it shall be served with the notice.

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1625

**AFFIDAVIT OF PUBLICATION**

See Form 507, as to: (1) Form,  
(2) Time, and  
(3) Comment.

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*Reference:* K.S.A. 59-2209; 59-2211; 59-2304; 64-101; S. Ct. Rule No. 111.

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1626

**PROCEEDINGS UNDER SOLDIERS' AND SAILORS' CIVIL RELIEF ACT**

The forms relating to proceedings under the Soldiers' and Sailors' Civil Relief Act are in the section containing Testate Forms. The pertinent forms are numbered 522 to 527 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
522	Affidavit Pursuant to Soldiers' & Sailors' Civil Relief Act
523	Petition for Appointment of Attorney Pursuant to Soldiers' & Sailors' Civil Relief Act
	or
	Petition for Appointment of Attorney to Represent Unknown Persons Pursuant to Soldiers' & Sailors' Civil Relief Act
524	Order for Hearing
525	Order Appointing Attorney to Represent Interests of Persons Pursuant to Soldiers' & Sailors' Civil Relief Act
526	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
527	Written Defenses of Attorney Representing Interests of Persons Pursuant to Soldiers' & Sailors' Civil Relief Act

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1627

**PROCEEDINGS FOR APPOINTMENT OF GUARDIANS AD LITEM**

The forms relating to appointment of Guardians ad litem are in the section

containing Testate Forms. The pertinent forms are numbered 517 to 521 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
517	Petition for Appointment of Guardian Ad Litem
518	Order for Hearing
519	Order Appointing Guardian Ad Litem
520	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
521	Written Defenses of Guardian Ad Litem

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1628

(CAPTION)

**ORDER FOR SALE OF REAL ESTATE AT PRIVATE SALE**

On September 25, 1986, comes on for hearing the Petition for Sale of Real Estate at Private Sale, filed by Jack O. Jones, Administrator of the Estate of John Jones, deceased.

The Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, devisees and legatees.

2. Notice of this hearing has been given as required by law and the Order of this Court and proof thereof has been duly filed herein and is hereby approved.

3. The allegations of the Petition are true.

4. The terms and provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, have been complied with as to any interested person or persons who are in the service of the United States or its allies.

5. Certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; this Estate is subject to the payment of debts, taxes and costs of administration, and there are insufficient funds and personal property to pay them.

6. The decedent at the time of death, owned the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less.

7. The above described real estate is not a homestead and is subject to the payment of debts of the decedent; it is necessary to sell the real estate for the payment of debts, taxes and costs of administration; and it can be more advantageously sold at private sale.

8. The Administrator should be authorized to pay the costs of the sale including an abstract of title or policy of title insurance and a real estate commission.

9. R. E. Dealer, A. G. Broker and S. N. Neighbor have been appointed to appraise the above described real estate for the purpose of sale at private sale.

10. No good cause has been shown why the appointed appraisers should not be approved.



IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are made a part of the order and decree of this Court.

(B) The Administrator is hereby authorized and directed to sell at private sale for cash, all of the above described real estate for not less than three-fourths of the appraised value.

(C) No sale shall be made unless the real estate shall have been appraised or reappraised within six months preceeding such sale.

(D) R.E. Dealer, A. G. Broker and S. N. Neighbor are approved as appraisers.

(E) From the proceeds of the sale the Administrator is authorized to pay the costs of the sale, a real estate commission not to exceed \_\_\_\_% of the sale price, and to provide an abstract of title or policy of title insurance.

(F) The Administrator is not required to file an additional bond herein.

or

[F. The Administrator is required to file an additional bond in the sum of \$100,000 before the sale will be confirmed.]

\_\_\_\_\_  
A. L. MANN

JUDGE

(SEAL)

APPROVED BY.

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

\_\_\_\_\_  
*Reference:* K.S.A. 59-1203; 59-2305; 59-2306; 59-2307; 59-2312; 59-2313; S. Ct. Rule No. 111.

*Time:* The Order will usually issue on the date fixed in the Notice.

*Comment:* The Order must specify the time of payment, the interest on deferred payment and the manner in which payment shall be secured. In no case shall the payment be deferred for more than one year from the date of the qualification of the executor or administrator making the sale.

The requirement of additional bond is discretionary with the Court and may be required in the Order to Sell.

1629

(CAPTION)

CERTIFICATE OF APPRAISER

STATE OF KANSAS

COUNTY OF APACHE

} ss:

We, the undersigned appraisers approved for the purpose of appraising the following described real estate located in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less,

for the purpose of sale in accordance with the Order of the Court dated September 25, 1986, do hereby certify that we have viewed the real estate and appraise the same at its full and fair value of \$80,000, as of September 27, 1986.

R. E. DEALER

A. G. BROKER

S. N. NEIGHBOR

SUBSCRIBED AND SWORN to before me on September 28, 1986.

NEVA WRIGHT

*Notary Public*

(SEAL)

My Appointment Expires:

January 10, 1990

SUBMITTED BY.

PLEADER, PLEADER & TRYOR

BY: W. B. Pleader

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-2307; S. Ct. Rule No. 111.

*Time:* A report of the appraisers must be filed before or simultaneously with the "Report and Confirmation of Sale of Real Estate at Private Sale."

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1630

(CAPTION)

**REPORT AND PETITION FOR CONFIRMATION  
OF SALE OF REAL ESTATE AT PRIVATE SALE**

COMES NOW Jack O. Jones, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 1, Hometown, Kansas 66648.

2. Petitioner is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted by this Court on August 4, 1986.

3. Pursuant to an Order entered September 25, 1986, Petitioner sold at private sale the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less,

to L. S. Deed, of Hometown, Kansas, for the sum of \$80,000 being the best price obtainable and not less than three-fourths of the appraised value thereof.

4. The above mentioned real estate is not liable for any charges, mortgage lien or encumbrances thereon except accrued taxes. The sale was for cash upon furnishing an abstract of title; accrued taxes to be paid by the Administrator.

5. Petitioner did not directly or indirectly acquire any beneficial interest in the above described real estate; is not interested in the property sold except as stated herein, and the sale was fairly conducted and legally made.

6. No financial or blood relationship exists between L. S. Deed, of Hometown, Kansas, and the fiduciary.

7. Petitioner employed I. C. Richlee as real estate broker for a commission of \_ % of the sale price.

[8. Petitioner has filed herein an additional bond in the sum of \$100,000.]

WHEREFORE, Petitioner prays that this sale be confirmed and Petitioner be directed to execute and deliver to the purchaser an appropriate deed according to law upon the purchaser's compliance with the terms and conditions of the sale.

JACK O. JONES

PETITIONER

( V E R I F I C A T I O N )

See Form 503

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-1413; 59-2306; 59-2309; 59-2313; S. Ct. Rule No. 111.

*Comment:* If any blood or financial relationship exist such facts should be covered by an appropriate allegation in the petition (allegation 6) with corresponding approval in the court's decree. See K.S.A. 59-1703

1631

ORDER FOR HEARING

See Form 518, as to: (1) Form, and  
(2) Time.

*Reference:* K.S.A. 59-1703; S. Ct. Rule No. 111.

*Comment:* If a conflict situation exists notice is required.

(CAPTION)

**ORDER CONFIRMING SALE OF  
REAL ESTATE AT PRIVATE SALE**

On August 8, 1986, comes on for hearing the Report and Petition for Confirmation of Sale of Real Estate at Private Sale, filed by Jack O. Jones, Administrator, of the Estate of John Jones, deceased.

Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of this hearing is not necessary or required by law.

or

[1. Notice of this hearing has been given as required by law and the order of this Court, and proof thereof has been duly filed herein and is hereby approved.]

2. The allegations of the petition are true.

3. The Administrator sold at private sale the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less,

to L. S. Deed, of Hometown, Kansas, for the sum of \$80,000, being the best price obtainable and not less than three-fourths of the appraised value.

4. The above mentioned real estate is not liable for any charges, mortgage lien or encumbrances thereon except accrued taxes. The sale was for cash upon furnishing an abstract of title; accrued taxes to be paid by the Administrator.

5. The Administrator did not directly or indirectly acquire any beneficial interest in the above described real estate, and is not interested in the property sold except as stated in the report and the sale was fairly conducted and legally made.

6. The Administrator employed I. C. Richlee as real estate broker for a commission of \_\_\_\_% of the sale price.

[7. The Administrator's additional bond in the sum of \$100,000, has been filed herein.]

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

(A) The above findings are made a part of the order and decree of this Court.

(B) The above mentioned sale of real estate is hereby confirmed; the Administrator is hereby directed to execute and deliver to the purchaser a deed of conveyance according to law, upon purchaser's compliance with the terms and conditions of the sale.

(C) The Administrator is hereby authorized to pay from the proceeds of the sale, accrued taxes, the costs of the sale including furnishing an abstract of title, and the real estate sale commission of I. C. Richlee in the amount of \$\_\_\_\_ and appraisers fees to R. E. Dealer, S. N. Neighbor and A. G. Broker in the amount of \$25.00 each.

A. L. MANN

JUDGE

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR  
BY: W. B. PLEADER  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

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Reference: K.S.A. 59-1413; 59-2305; 59-2306; 59-2309; 59-2312; 59-2313; S. Ct. Rule No. 111.

Time: The order may issue any time after the filing of the report.

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1633

**RIDER TO BE ATTACHED TO BOND OF  
ADMINISTRATOR, JACK O. JONES, ON FILE HEREIN**

See Form 1613, as to: (1) Form.

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1634

**ADMINISTRATOR'S DEED**

See Form 1620, as to: (1) Form.

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1641

**IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS**

In the Matter of the Estate of }  
JOHN JONES, Deceased }  
(Petition Pursuant to K.S.A. Chapter 59)

No. 1234

**REPORT OF APPOINTMENT AND PETITION  
FOR APPROVAL OF APPRAISERS**

COMES NOW Jack O. Jones, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas whose address is Route 2, Hometown, Kansas 66648.
2. Petitioner is the duly appointed, qualified and acting Executor of the Estate of John Jones, deceased, by virtue of Letters Testamentary issued on August 4, 1986.
3. Petitioner has conditionally contracted for the sale of the real estate described herein; it has not been appraised pursuant to K.S.A. 59-2307, and appraisal will be necessary prior to sale.
4. Petitioner has named R. E. Dealer, A. G. Broker and S. N. Neighbor to appraise the following described real estate for the purpose of selling the real estate situated in Apache County, Kansas at private sale:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less.

5. The appointed appraisers should be approved.  
WHEREFORE, Petitioner prays that appointed appraisers be approved.

JACK O. JONES  
PETITIONER

(V E R I F I C A T I O N)

See Form 503

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-2307; S. Ct. Rule No. 111.  
*Time:* Before Petition for Sale at Private Sale.  
*Comment:* One or more, but not to exceed three appraisers is required.  
The appraisers named by the representative shall be approved by the Court unless good cause is shown why they should not be approved.  
If real estate has been appraised (not valuated) within six months no new appraisal is required, unless ordered by the court.

1642

ORDER FOR HEARING

See Form 518, as to: (1) Form, and  
(2) Time.

*Reference:* K.S.A. 59-2307; S. Ct. Rule No. 111.  
*Comment:* The Petition must be set for hearing, but may be heard immediately unless the court requires notice. If a conflict situation exists notice is required.  
For Order with mail notice, see form 611.

1643

(CAPTION)

ORDER APPROVING APPOINTED APPRAISER

On September 26, 1987, comes on for hearing the Petition for Approval of Appraisers filed herein by Jack O. Jones.  
Petitioner appears by attorneys Pleader, Pleader & Tryor. There are no other appearances.  
After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Notice of the time and place of hearing is not necessary or required by law.
2. The allegations of the Petition are true.
3. R. E. Dealer, A. G. Broker and S. N. Neighbor have been appointed to appraise the following described real estate situated in Apache County, Kansas for the purpose of sale at private sale:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less.

4. No good cause has been shown why the appointed appraisers should not be approved.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) R. E. Dealer, A. G. Broker and S. N. Neighbor are approved as appraisers.

\_\_\_\_\_  
A. L. MANN

JUDGE

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR  
BY: W. B. PLEADER  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner

\_\_\_\_\_  
*Reference:* K.S.A. 59-2307; S. Ct. Rule No. 111.

*Time:* After the hearing.

\_\_\_\_\_  
1644

#### CERTIFICATE OF APPRAISERS

See Form 1629, as to: (1) Form,  
(2) Reference, and  
(3) Time.

\_\_\_\_\_  
1645

(CAPTION)

#### PETITION FOR SALE OF REAL ESTATE AT PRIVATE SALE AND FOR CONFIRMATION THEREOF

COMES NOW Jack O. Jones, Petitioner, and alleges:

1. Petitioner is a resident of Apache County, Kansas, whose address is Route 1, Hometown, Kansas 66648.

2. Petitioner is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted by this Court on August 4, 1986.

3. Certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; this Estate is subject to the payment of debts, taxes and costs of administration, and there are insufficient funds and personal property to pay them.

4. The decedent at the time of death, owned the following described real estate in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less.

5. The above described real estate is not a homestead and is subject to the payment of debts of the decedent; it is necessary to sell the real estate for the payment of debts, taxes and costs of administration; it can be more advantageously sold at private sale.

6. On September 25, 1986, subject to the approval of the Court, the fiduciary entered into a contract for the proposed sale of the above described real estate to L. S. Deed of Hometown, Kansas for the sum of \$80,000 in cash, with taxes prorated to date of sale, abstract of title or policy of title insurance furnished by seller, growing crops to buyer, closing to be held December 15, 1986 and possession to be delivered upon closing.

7. No financial or blood relationship exists between L. S. Deed of Hometown, Kansas, and the fiduciary, and the contract should be approved.

8. The requirements of K.S.A. 59-1703 and 59-2307 have been met; the amount is not less than three-fourths of the appraised value; no additional report of sale or additional confirmation thereof should be required.

9. The Administrator should be authorized to pay the costs of the sale including an abstract of title or policy of title insurance and a real estate commission.

WHEREFORE, Petitioner prays for an Order of the Court finding it is necessary to sell the above described real estate; it is in the best interest of the Estate that it be sold at private sale; the contract of sale entered into between the Administrator and L. S. Deed be approved; Petitioner be authorized to pay the costs of sale including an abstract of title or policy of title insurance and a real estate commission; the sale be confirmed and Petitioner is authorized to execute and deliver a deed of conveyance to L. S. Deed.

\_\_\_\_\_  
JACK O. JONES

PETITIONER

(V E R I F I C A T I O N)

See Form 503

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Petitioner



*Reference:* K.S.A. 59-1202; 59-1203; 59-1410; 59-1412; 59-1703; 59-2201; 59-2202; 59-2303; 59-2305; 59-2307; 59-2312; S. Ct. Rule 111.

*Time:* Whenever necessary under 59-1410.

*Comment:* If details of the proposed transaction are included in this petition and in the notice, and other requirements of 59-2305(f) are met, the Order for Sale can confirm the sale and no report or additional confirmation is necessary.

A copy of the contract of proposed sale can be attached to this petition and reference made thereto instead of setting out the details of the proposed sale in allegation 6.

If it is desirable that the details of the transaction not be published, either mail notice should be used or the Petition for Sale and for Confirmation should not be combined.

If any blood or financial relationship or other conflict of interests exists such facts should be covered by an appropriate allegation in the petition (allegation 7) with corresponding approval in the Court's decree. See K.S.A. 59-1703.

If the property has been appraised within six months prior to sale, forms 1641, 1642, 1643 and 1644 will not be necessary.

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1646

ORDER FOR HEARING

If notice is to be given by publication pursuant to 59-2209, see form 553, as to:

- (1) Form, and
- (2) Time.

If notice is to be given by mail pursuant to 59-2208, see form 733, as to:

- (1) Form,
- (2) Time, and
- (3) Comment.

If notice is to be waived, pursuant to 59-2208 and 59-2304, see form 513, as to: (1) Form,

- (2) Reference, and
  - (3) Time.
- 

1647

First published in the Metropolis Herald, on October 1, 1986

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

JOHN JONES, Deceased

}

No. 1234

NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a petition has been filed in this Court by Jack O. Jones, Administrator of the Estate of John Jones, deceased, praying for an Order authorizing the private sale of the following described real estate situated in Apache County, Kansas.

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less,

and for a further Order confirming the private sale thereof to L. S. Deed for \$80,000 cash, with taxes prorated to date of sale, abstract of title or policy of title insurance to be furnished by seller, growing crops to belong to buyer, and with closing to be held December 15, 1986 and possession to be delivered upon closing; and for a further Order authorizing the Administrator to pay the costs of the sale including an abstract of title or policy of title insurance and a real estate commission.

You are required to file your written defenses thereto on or before October 25, 1986 at 10:00 a.m. in the District Court in the City of Metropolis, in Apache County, Kansas at which time and place the cause will be heard.

Should you fail therein, judgment and decree will be entered in due course upon the petition.

JACK O. JONES  
ADMINISTRATOR

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
(913) 555-0000  
Attorneys for Administrator

TO THE PUBLISHER: Please publish for three consecutive \_\_\_\_ days commencing \_\_\_\_ Immediately after the first publication, please forward \_\_\_\_copies of the above notice to: Pleader, Pleader & Tryor, The Hometown State Bank Building, Hometown, Kansas. Immediately after the third publication, make your proof of publication to the District Court, with copy to this office.

*Reference:* K.S.A. 59-2209; 59-2210; 59-2304; 59-2305; S. Ct. Rule No. 111.

*Comment:* If confirmation of proposed transaction as a part of the court's order for sale is desired details of the proposed transaction must be included in the notice as well as the petition. If this is done and the other requirements of 59-2305(f) are met no further report of sale or confirmation thereof is required.

1648

### AFFIDAVIT OF SERVICE

If the Court directs notice pursuant to 59-2209, see Form 506, as to:

- (1) Form,
- (2) Reference, and
- (3) Time.

If the Court directs notice by mail, see Form 506, as to: (1) Form, and  
(2) Time.

*Reference:* K.S.A. 59-2208; 59-2221; S. Ct. Rule No. 111.

*Comment:* Whether notice is given pursuant to K.S.A. 59-2208 or 59-2209, the petition and attachments to it shall be served with the notice.

**AFFIDAVIT OF PUBLICATION**

If the Court directs notice pursuant to 59-2209, see Form 507, as to:

- (1) Form,
- (2) Time, and
- (3) Comment.

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*Reference:* K.S.A. 59-2209; 59-2211; 59-2304; 64-101; S. Ct. Rule No. 111.

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**PROCEEDINGS UNDER SOLDIERS' AND SAILORS' CIVIL RELIEF ACT**

The forms relating to proceedings under the Soldiers' and Sailors' Civil Relief Act are in the section containing Testate Forms. The pertinent forms are numbered 522 to 527 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
522	Affidavit Pursuant to Soldiers' & Sailors' Civil Relief Act
523	Petition for Appointment of Attorney Pursuant to Soldiers' & Sailors' Civil Relief Act
	or
	Petition for Appointment of Attorney to Represent Unknown Persons Pursuant to Soldiers' & Sailors' Civil Relief Act
524	Order for Hearing
525	Order Appointing Attorney to Represent Interests of Person Pursuant to Soldiers' & Sailors' Civil Relief Act
526	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
527	Written Defenses of Attorney Representing Interests of Person Pursuant to Soldiers' & Sailors' Civil Relief Act

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**PROCEEDINGS FOR APPOINTMENT OF GUARDIANS AD LITEM**

The forms relating to appointment of Guardians ad litem are in the section containing Testate Forms. The pertinent forms are numbered 517 to 521 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
517	Petition for Appointment of Guardian Ad Litem
518	Order for Hearing
519	Order Appointing Guardian Ad Litem
520	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
521	Written Defenses of Guardian Ad Litem

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(CAPTION)

**ORDER AUTHORIZING AND CONFIRMING  
SALE OF REAL ESTATE AT PRIVATE SALE**

On October 25, 1986, comes on for hearing the Petition for Sale of Real Estate

at Private Sale and for Confirmation Thereof, filed by Jack O. Jones, Administrator of the Estate of John Jones, deceased.

Petitioner appears in person and by attorneys Pleader, Pleader & Tryor. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, devisees and legatees.

2. Notice of this hearing has been given as required by law and the Order of this Court and proof thereof has been duly filed herein and is approved.

3. The allegations of the Petition are true.

4. The terms and provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, have been complied with as to any interested person or persons who are in the service of the United States or its allies.

5. Certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; this Estate is subject to the payment of debts, taxes and costs of administration, and there are insufficient funds and personal property to pay them.

6. The decedent at the time of death, owned the following described real estate situated in Apache County, Kansas:

The Southeast quarter of Section 26, Township 20 South, Range 30 West, containing 160 acres, more or less.

7. The above described real estate is not a homestead and it can be more advantageously sold at private sale.

8. On September 25, 1986, subject to the approval of the Court, the fiduciary entered into a contract for the proposed sale of the above described real estate to L. S. Deed of Hometown, Kansas for the sum of \$80,000 cash, which amount is not less than three-fourths of the appraised value of the property, with taxes prorated to date of sale, abstract of title or policy of title insurance furnished by seller, growing crops to buyer, closing to be held December 15, 1986, and possession to be delivered upon closing.

9. No financial or blood relationship exists between L. S. Deed of Hometown, Kansas and the fiduciary, and the contract should be approved.

10. The Petition and Notice included the details of the proposed transaction, the requirements of K.S.A. 59-1703 and 59-2307 have been met and no additional report of sale or additional confirmation should be required.

11. The Administrator should be authorized to pay the costs of the sale including an abstract of title or policy of title insurance and a real estate commission.

**IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:**

(A) The above findings are hereby made a part of the order and decree of this Court.

(B) The contract for sale entered into between the Administrator and L. S. Deed is approved.

(C) The Administrator is hereby authorized and directed to sell all of the above described real estate to L. S. Deed of Hometown, Kansas for the sum of \$80,000 cash.

(D) The above mentioned sale of real estate is hereby confirmed; the Administrator is hereby directed to execute and deliver to the purchaser an appropriate deed according to law, upon purchaser's compliance with the terms and conditions of sale.

(E) The Administrator is hereby authorized to pay from the proceeds of the sale, the costs of the sale including an abstract of title or policy of title insurance, the real estate sale commission of I. C. Richlee in the amount of \$xxx.xx and appraisers fees to R. E. Dealer, A. G Broker and S. N. Neighbor in the amount of \$xxx.xx each.

(F) The Administrator is not required to file an additional bond herein.

or

The Administrator is required to file an additional bond in the sum of \$100,000.

A. L. Mann

*Judge*

(SEAL)

APPROVED:

BY: W. B. Pleader

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-1202; 59-2305; 59-2306; 59-2307; 59-2312; 59-2313; S. Ct. Rule No. 111.

*Time:* The Order will usually issue on the date fixed in the Notice.

*Comment:* The Order must specify the time of payment, the interest on deferred payment and the manner in which payment shall be secured. In no case shall the payment be deferred for more than one year from the date of the qualification of the Executor or Administrator making the sale.

The requirement of additional bond is discretionary with the Court and may be required in the Order of Sale.

If any blood or financial relationship or other conflict of interests exist such facts should be covered by an appropriate finding in the order (finding 9), K.S.A. 59-1703.

1653

**RIDER TO BE ATTACHED TO BOND OF  
ADMINISTRATOR, JACK O. JONES, ON FILE HEREIN**

See Form 1613, as to: (1) Form.

1654

**ADMINISTRATOR'S DEED**

See Form 1620, as to: (1) Form, and  
(2) Reference.