

# Kansas Judicial Council Bulletin

NOVEMBER, 1977

SPECIAL BULLETIN



ROBERT H. COBEAN

*Chairman*

Judicial Council Probate Forms Advisory Committee

---

PROBATE FORMS

## MEMBERS OF THE JUDICIAL COUNCIL

Alfred G. Schroeder, <i>Chairman</i> , (1963-)	Newton
Justice of the Supreme Court	
James D. Waugh, <i>Secretary</i> , (1963-)	Topeka
J. Richard Foth, (1977-)	Topeka
Judge, Court of Appeals	
Elwayne F. Pomeroy, (1977-)	Topeka
Chairman, Senate Judiciary Committee	
E. Richard Brewster, (1977-)	Topeka
Chairman, House Judiciary Committee	
Robert H. Cobean (1947-)	Wellington
Jack E. Dalton, (1969-)	Dodge City
Marvin E. Thompson, (1969-)	Russell
Herbert W. Walton, (1975-)	Olathe
Judge, Tenth Judicial District	
James J. Noone, (1975-)	Wichita
Judge, Eighteenth Judicial District	

## FORMER MEMBERS OF THE JUDICIAL COUNCIL

W. W. Harvey, <i>Chairman</i> , (1927-1941)	Ashland
Justice of the Supreme Court	
WALTER G. THIELE, <i>Chairman</i> , (1941-1954)	Lawrence
Justice of the Supreme Court	
Robert T. Price, <i>Chairman</i> , (1954-1963)	Topeka
Justice of the Supreme Court	
J. C. RUPPENTHAL, <i>Secretary</i> , (1927-1941)	Russell
RANDAL C. HARVEY, <i>Secretary</i> , (1941-1953)	Topeka
WILLIAM M. MILLS, JR., <i>Secretary</i> , (1953-1957)	Topeka
WALTER G. THIELE, <i>Secretary</i> , (1957-1963)	Topeka
EDWARD L. FISCHER, (1927-1943)	Kansas City
ROBERT C. FOULSTON, (1927-1943)	Wichita
CHARLES L. HUNT, (1927-1941)	Concordia
CHESTER STEVENS, (1927-1941)	Independence
JOHN W. DAVIS, (1927-1933)	Greensburg
C. W. BURCH, (1927-1931)	Salina
ARTHUR C. SCATES, (1927-1929)	Dodge City
WALTER PLEASANT, (1929-1931)	Ottawa
ROSCOE H. WILSON, (1931-1933)	Jetmore
GEORGE AUSTIN BROWN, (1931-1933)	Wichita
RAY H. BEALS, (1933-1938)	St. John
SCHUYLER C. BLOSS, (1933-1935)	Winfield
HAL E. HARLAN, (1933-1935)	Manhattan
E. H. REES, (1935-1937)	Emporia
O. P. MAY, (1935-1937)	Atchison
KIRKE W. DALE, (1937-1941)	Arkansas City
HARRY W. FISHER, (1937-1939)	Fort Scott
GEORGE TEMPLAR, (1939-1941, 1943-1947, 1953)	Arkansas City
EDGAR C. BENNETT, (1938-1951)	Marysville
SAMUEL E. BARTLETT, (1941-1951)	Wichita
PAUL R. WUNSCH, (1941-1943)	Kingman
WALTER F. JONES, (1941-1945)	Hutchinson
GROVER PIERPONT, (1943-1944)	Wichita
I. M. PLATT, (1943-1945)	Junction City
C. A. SPENCER, (1944-1951)	Oakley
CHARLES VANCE, (1945-1947)	Liberal
RICHARD L. BECKER, (1949-1951)	Coffeyville
W. D. VANCE, (1951-1952)	Belleville
JOHN A. ETILING, (1945-1953)	Kinsley
DALE M. BRYANT, (1947-1949, 1951-1953)	Wichita
FRANKLIN B. HETTINGER, (1952-1953)	Hutchinson
JOHN H. MURRAY, (1953-1957)	Leavenworth
A. K. STAVELY, (1951-1959)	Lyndon
MAX L. DICE, (1957-1959)	Johnson
WILLIAM L. MITCHELL, (1959-1961)	Hutchinson
JOSEPH J. DAWES, (1953-1960, 1961)	Leavenworth
WILFORD RIEGLE, (1953-1960, 1961)	Emporia
GLEE S. SMITH, (1961-1963)	Larned
SPENCER A. CARD, (1959-1964)	Iola
CLYDE HILL, (1961-1965)	Yates Center
JAMES E. TAYLOR (1941-1969)	Sharon Springs
J. WILLARD HAYNES, (1951-1969)	Kansas City
ALEX HOTCHKISS, (1964-1973)	Lyndon
STEADMAN BALL, (1963-1973)	Atchison
JACK R. EULER, (1965-1973)	Wathena
JOHN F. HAYES, (1973-1977)	Hutchinson
J. C. TILLOTSON, (1973-1977)	Norton

(PROPOSED INSERT FOR PROBATE FORMS REPRINT)

NOTICE

The original printing of the November, 1977 *Kansas Judicial Council Bulletin* containing probate forms has been exhausted. The Judicial Council has decided that the forms should remain available to the bench and bar. However, constraints of both time and money make drafting a new book impractical. In reaching this decision, the Council took notice that the overwhelming majority of the forms in the 1977 publication are still accurate and usable.

The Judicial Council decided to reprint the November, 1977 Bulletin, *as is*, with a cautionary note on the cover and a listing of the cited statutes that have been amended since the original publication.

The following is the chart of amended and repealed statutes. The charts lists the form number, statutory cite, and the session laws cite to all amendments. The user of these forms should check to see how, if at all, these amendments may necessitate editing of the forms prior to use.

Form No.	Statute	Session Law Year, Chapter & Section
103.	59-619	1982, ch. 235, sec. 2
	59-2103	1979, ch. 180, sec. 1
	59-2220	1981, ch. 228, sec. 1
	59-2223	1981, ch. 228, sec. 3
	60-2601	1982, ch. 251, sec. 1
104, 108, 113, 114, 120, 126, 131.	59-2222	1981, ch. 228, sec. 2
	59-2223	1981, ch. 228, sec. 3
105, 109.	59-2222	1981, ch. 228, sec. 2
	59-2223	1981, ch. 228, sec. 3
	59-2233	1981, ch. 228, sec. 5
107.	59-2222	1981, ch. 228, sec. 2
129, 130.	59-2224	1981, ch. 228, sec. 4
133, 138.	59-2233	1981, ch. 228, sec. 5
134.	59-1702	1981, ch. 226, sec. 2
144.	59-1410	1980, ch. 167, sec. 3
	79-1522	1978, ch. 395, sec. 51,
	(repealed)	See 79-1570
201.	59-2103	1979, ch. 180, sec. 1
	59-2223	1981, ch. 228, sec. 3
206.	59-1702	1981, ch. 226, sec. 2

Form No.	Statute	Session Law Year, Chapter & Section
221.	59-1410	1980, ch. 167, sec. 3
	59-1522 (repealed)	1978, ch. 395, sec. 51, See 79-1570
	79-3220	1978, ch. 405, sec. 1 1980, ch. 316, sec. 1
303.	59-619	1982, ch. 235, sec. 2
	59-2220	1981, ch. 228, sec. 1
	59-2222	1981, ch. 228, sec. 2
	59-2223	1981, ch. 228, sec. 3
305, 309.	59-2222	1981, ch. 228, sec. 2
	59-2223	1981, ch. 228, sec. 3
	59-2233	1981, ch. 228, sec. 5
308, 313, 314.	59-2222	1981, ch. 228, sec. 2
	59-2223	1981, ch. 228, sec. 3
320.	59-2223	1981, ch. 228, sec. 3
	59-2224	1981, ch. 228, sec. 4
401.	59-2287	1979, ch. 179, sec. 2 1980, ch. 166, sec. 2
404.	59-401	1979, ch. 178, sec. 1
	59-2287	1979, ch. 179, sec. 2 1980, ch. 166, sec. 2
406, 407, 408.	59-2287	1979, ch. 179, sec. 2 1980, ch. 166, sec. 2
502, 503, 504.	59-2251	1978, ch. 221, sec. 1
505.	59-2222	1981, ch. 228, sec. 2
	59-2251	1978, ch. 221, sec. 1
508.	59-2251	1978, ch. 221, sec. 1
	59-1529 (repealed)	1978, ch. 395, sec. 51, (See 79-1569a and 79-1584)
601.	59-805	1980, ch. 166, sec. 5
	59-2222	1981, ch. 228, sec. 1
	59-2229	1982, ch. 235, sec. 3
	59-2230	1982, ch. 235, sec. 4
602.	59-2222	1981, ch. 228, sec. 2
	59-2229	1982, ch. 235, sec. 3
607.	59-2230	1982, ch. 235, sec. 4
704.	59-1702	1981, ch. 226, sec. 2
741, 745.	59-401	1979, ch. 178, sec. 1
801, 811.	59-1413	1980, ch. 167, sec. 4
	59-2242	1978, ch. 220, sec. 1
802, 805, 812, 816.	59-2242	1978, ch. 220, sec. 1
828, 841, 848, 861, 865, 867, 872.	59-2305	1982, ch. 237, sec. 1
831, 832, 850,	59-1413	1980, ch. 167, sec. 4

## TABLE OF CONTENTS

---

	PAGE
FOREWORD .....	2
PREFACE .....	3
By Robert H. Cobean, Chairman of the Probate Forms Advisory Committee	
TABLE OF FORMS .....	6
TESTATE ADMINISTRATION FORMS (101-154) .....	13
INTESTATE ADMINISTRATION FORMS (201-231) .....	63
SIMPLIFIED ADMINISTRATION FORMS (301-343) .....	85
REFUSAL TO GRANT LETTERS OF ADMINISTRATION FORMS (401-408) .....	111
PROCEEDINGS TO DETERMINE DESCENT FORMS (501-508) .....	119
ADMISSION OF FOREIGN PROBATED WILL TO PROBATE AND RECORD FORMS (601-607) .....	125
OTHER ADMINISTRATION PROCEEDINGS	
Special Administration Forms (701-711) .....	131
Allowance of Demand Forms (721-725) .....	143
Statutory Allowance Forms (731-736) .....	147
Setting Apart Homestead Forms (741-745) .....	153
Sale of Personal Property Forms	
Private Sale (801-806) .....	157
Public Auction (811-816) .....	161
Sale of Real Estate Forms	
Public Auction (821-834) .....	167
Private Sale (841-854) .....	176
Private Sale (with confirmation included in order for sale) (861-874) .....	184
Members of the Judicial Council .....	(Inside front cover)
Former Members of the Judicial Council .....	(Inside front cover)
Change in Address of Recipient .....	(Inside back cover)

## FOREWORD

---

Forms for guidance in the administration of estates in the probate court have been printed and published in the *Kansas Judicial Council Bulletin* for many years, most recently in June of 1974. Recent amendments of the Probate Code have made many of the forms heretofore published obsolete. The task of drafting a new set of forms was assigned to a Probate Advisory Committee and after consideration and approval by the Judicial Council they have been revised as published herein. The members of the Judicial Council Probate Forms Advisory Committee are: Robert H. Cobean, Chairman, Wellington; Jon C. Christlieb, Kansas City; Jack R. Euler, Troy; Camilla K. Haviland, Dodge City; Roy Kirby, Coffeyville, and Walter G. Stumbo, Topeka.

The forms published herein are approved by the Judicial Council for use in the guidance of members of the Kansas Bar. The forms reflect the most recent decisions to date of the Kansas Supreme Court.

The members of the advisory committee have undertaken this extra task enthusiastically and intensively. The careful and tireless attention devoted to the work over a period of several years is indicated by its thoroughness and the simplicity of each form. Into it they have put their learning, their experience, their devotion and their meager and valuable leisure time. The members of the legal profession owe a debt of gratitude to these advisory committee members who have so valiantly responded to the call of duty.

ALFRED G. SCHROEDER, *Chairman*,  
The Judicial Council of the State of Kansas.

## PREFACE

---

In its June, 1974 Bulletin the Kansas Judicial Council published the then latest compilation of seven sets of Kansas Probate Forms. It was then hoped that those forms would expedite the administration of estates for an extended period of time. This proved to be a vain hope. THEY ARE NOW (since January 1, 1976) OBSOLETE. They can no longer be used in their published form.

THEY SHOULD BE DISCARDED. Here is why:

The 1974 and 1975 sessions of the Kansas Legislature, together with the Kansas Judicial Council, studied and compared the Uniform Probate Code, in the light of the constitutional questions raised by *In Re: Barnes*, 212 Kan. 502. It was the conclusion of both the Judicial Council and the Legislature that the desirable SIMPLIFIED ADMINISTRATION features of the Uniform Probate Code could best be accomplished by appropriately amending the Kansas Probate Code. It first became necessary to define:

(a) "Simplified Administration" (KSA 59-102(4), and

(b) "Supervised Administration" (KSA 59-102(5), and then provide a new procedure for "Simplified Administration" and to expand our existing "Refusal to Grant Letters" procedure for dispensing with administration of certain small estates (KSA 59-2287, *et seq.*).

By amending KSA 59-2219 the Legislature now requires each petition for administration or for probate of a Will to state:

"and (5) whether administration is sought under the Kansas Simplified Estates Act, and if such administration is sought, one or more reasons for seeking administration under the Kansas Simplified Estates Act".

You can see that now, from the very first form, in any administration proceeding, *earlier* forms are inadequate and should be discarded. Because of many other significant amendments to the Probate Code, it was the decision of the Kansas Judicial Council again to provide completely new sets of forms covering all amendments to the Kansas Probate Code, including those taking effect after the publication of the 1977 Session Laws. The sets of forms include:

Testate Administration . . . . .	101	<i>et seq.</i>
Intestate Administration . . . . .	201	<i>et seq.</i>
Simplified Administration. . . . .	301	<i>et seq.</i>
Refusal to grant Letters of Administration . . . . .	401	<i>et seq.</i>
Determination of Descent. . . . .	501	<i>et seq.</i>
Foreign Will Probate . . . . .	601	<i>et seq.</i>
Other Administration Proceedings		
(A) Special Administration . . . . .	701	<i>et seq.</i>
(B) Allowance of Demand . . . . .	721	<i>et seq.</i>
(C) Statutory Allowances . . . . .	731	<i>et seq.</i>
(D) Setting Apart Homestead . . . . .	741	<i>et seq.</i>
Sale of Personal Property		
(A) At Private Sale . . . . .	801	<i>et seq.</i>
(B) At Public Auction. . . . .	811	<i>et seq.</i>
Sale of Real Estate		
(A) At Public Auction. . . . .	821	<i>et seq.</i>
(B) At Private Sale (with separate report of sale and separate order of confirmation). . . . .	841	<i>et seq.</i>

- (C) At Private Sale (with confirmation included in order of sale) ..... 861 *et seq.*

To provide updated forms to expedite the administration of estates, the Judicial Council appointed the following committee members whose names, in alphabetical order, are as follows:

Jon C. Christlieb,  
Robert H. Cobean, Chairman,  
Jack R. Euler,  
Hon. Camilla Klein Haviland,  
Roy Kirby,  
Walter G. Stumbo, and  
Randy M. Hearrell, Reporter.

The bench, bar and citizens of Kansas are indebted to this committee.

After Court unification was implemented in January, 1977, Probate Courts were abolished and probate matters heard in the District Courts. The forms provided in this Bulletin have captions "IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS."

Appropriately incorporated in the above forms are the following numerous and significant procedural changes:

#### *Self Proved Will, Codicil and Consent*

KSA 59-606 and 59-2224, as amended, provide for self proved Wills, Codicils and Consents and the Order Admitting Will to Probate (Form 131), by statutory reference, so provides.

#### *Non-Resident Executor*

K.S.A. 59-706, as amended, provides that a Non-Resident Executor may be appointed when the non-resident has appointed a process agent pursuant to KSA 59-1706, and the Order Admitting Will to Probate (Form 131) and Appointment of Agent for Non-Resident Executor (Form 132) so provide.

#### *Waivers of Bonds*

KSA 59-1104, as amended, provides when and by whom bonds may be waived and forms 103, 131, and 205, and their comments, so provide.

#### *Notice to Creditors*

KSA 59-709, as amended, provides that in cases of Petitions for Administration or for Probate of a Will, Notice to Creditors shall be given by the Petitioner (not by the fiduciary) and KSA 59-2236 provides when such notice shall be combined with notice of hearing, and forms 104, 105, 108, 109, 111, 114, 115, and 202, so provide. The only exception to this requirement is when the petition for administration or probate shall be filed after the period of time prescribed by KSA 59-2239, as amended, for the timely exhibit of creditors' claims.

#### *Inventory and Valuation*

KSA 59-1201 and 1203, as amended, eliminates the need for Court appointed appraisers, but requires the fiduciary to value each item contained in the inventory. KSA 59-1202 makes possible an independent appraisal if requested by a party having an interest in the estate, in which event the representative shall appoint and the Court shall approve, unless good cause is shown to the contrary, one or more, but not to exceed three (3) appraisers. Forms 137, 209, 210, 211, 212, 213, 214, 215, so provide.

#### *Waivers of Notice*

KSA 59-2208 and 2223, as amended, provide for waiver of notice by any competent person; by any fiduciary; by a trustee; by a conservator; by a guardian; by a guardian ad litem and by an attorney appointed pursuant to the Soldiers' and Sailors' Civil Relief Act, and forms 113, 120, 126, so provide.

### *Sale, Lease or Mortgage of Real Estate*

Before real estate may be sold at private sale (even though it has been *valued* by the fiduciary pursuant to KSA 59-1201 and 1203) it must be appraised pursuant to 59-2307, unless in a testate estate the Will provides otherwise.

KSA 59-2304, as amended, provides that the hearing for the sale of real estate may be waived (see KSA 59-2208 and 2223).

KSA 59-1703, 59-2303, 59-2305, 59-2307 and 59-2309, as amended, provide that if a petition and notice (or waiver) include the name of a *prospective* purchaser, lessee or mortgagee and the *proposed* terms the Court may confirm the transaction as a part of its order to sell, lease or mortgage and no separate report or confirmation is required and that, with full disclosure a sale, lease or mortgage may be made to a person having a financial or blood relationship with the fiduciary.

Forms 821, et seq., 841, et seq., and 861, et seq., so provide.

### *Filing of Decedent's Will*

The 1977 Session of the Legislature adopted KSA 59-618a which provides that whenever a decedent dies testate leaving no real property and the value of the personal property is less than the total of demands against the estate, any person in possession of such decedent's Will may file in the District Court of said decedent's last residence, the decedent's Will and an Affidavit which complies with KSA 59-618a. The fee for filing a Will and Affidavit is authorized by said KSA 59-618a and is \$10. Upon receipt of a Will and Affidavit as above mentioned, the Court shall file said Will and Affidavit in its records and shall give notice thereof to all heirs, legatees and devisees named in the Affidavit. KSA 59-618a specifically provides that the Affidavit state that the Will is being filed for the purpose of preserving the same for record in the event that formal Probate proceedings are later required. It is the opinion of this writer that KSA 59-618a must read in connection with KSA 59-617 and KSA 59-618.

### *Captions*

K.S.A. 60-207 and K.S.A. 61-1703a require all petitions filed pursuant to K.S.A. Chapter 60 and K.S.A. Chapter 61 to so state following the caption of each petition. A similar requirement for petitions filed pursuant to K.S.A. Chapter 59 was enacted by the 1977 legislature and appears at KSA 59-103. Therefore the forms so provide.

Robert H. Cobean, Chairman  
Judicial Council Advisory  
Committee on Probate Forms

## Table of Forms

### TESTATE ADMINISTRATION

<i>Title</i>	<i>Form No.</i>
Last Will and Testament of <u>John Doe</u> . . . . .	101
Consent of Spouse . . . . .	102
Petition for Probate of Will and Issuance of Letters Testamentary . . . . .	103
Preface to Forms 104-116	
Notice Ordered Pursuant to 59-2209:	
Order for Hearing and for Notice to Creditors . . . . .	104
Notice of Hearing and Notice to Creditors . . . . .	105
Affidavit of Service . . . . .	106
Affidavit of Publication . . . . .	107
Notice Ordered by Mail or Otherwise:	
Order for Hearing and for Notice to Creditors . . . . .	108
Notice of Hearing . . . . .	109
Affidavit of Service . . . . .	110
Notice to Creditors . . . . .	111
Affidavit of Publication . . . . .	112
Notice Waived:	
Voluntary Entry of Appearance and Waiver of Notice [and Bond] . . . . .	113
Order for Hearing and for Notice to Creditors . . . . .	114
Notice to Creditors . . . . .	115
Affidavit of Publication . . . . .	116
Petition for Appointment of Guardian Ad Litem . . . . .	117
Order for Hearing . . . . .	118
Order Appointing Guardian Ad Litem . . . . .	119
Voluntary Entry of Appearance and Waiver of Notice [and Bond] . . . . .	120
Written Defenses of Guardian Ad Litem . . . . .	121
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act . . . . .	122
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 . . . . .	123
Order for Hearing . . . . .	124
Order Appointing Attorney to Represent Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act . . . . .	125
Voluntary Entry of Appearance and Waiver of Notice [and Bond] . . . . .	126
Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act . . . . .	127
Form Relating to Proof of Will by Affidavit . . . . .	128
Form Relating to Proof of Will by Testimony in Open Court Reduced to Writing . . . . .	129
Forms Relating to Proof of Will by Issuance of Commission to take deposition of Subscribing Witness . . . . .	130
Order Admitting Will to Probate . . . . .	131
Appointment of Agent by Non-Resident <u>Executor</u> . . . . .	132
Certificate Pursuant to K.S.A. 59-2233 . . . . .	133

<i>Title</i>	<i>Form No.</i>
Oath of <u>Executrix</u> . . . . .	134
Bond . . . . .	135
Letters Testamentary . . . . .	136
Inventory and Valuation. . . . .	137
Election to Take by Intestate Succession . . . . .	138
Allowance of Demand . . . . .	139
Statutory Allowances . . . . .	140
Setting Apart of Homestead . . . . .	141
Sale of Personal Property . . . . .	142
Sale of Real Estate . . . . .	143
Petition for Final Settlement . . . . .	144
Order for Hearing . . . . .	145
Notice of Hearing. . . . .	146
Affidavit of Service. . . . .	147
Affidavit of Publication . . . . .	148
Written Defenses of Guardian Ad Litem . . . . .	149
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act. . . . .	150
Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act . . . . .	151
Journal Entry of Final Settlement . . . . .	152
Receipt. . . . .	153
Journal Entry of Final Discharge. . . . .	154

## INTESTATE ADMINISTRATION

Petition for Issuance of Letters of Administration . . . . .	201
Notice in Intestate Proceedings . . . . .	202
Proceedings for Appointment of Guardian Ad Litem. . . . .	203
Proceedings Under Soldiers' and Sailors' Civil Relief Act . . . . .	204
Order Appointing Administrator. . . . .	205
Oath of Administrator . . . . .	206
Bond of Administrator . . . . .	207
Letters of Administration . . . . .	208
Inventory and Valuation. . . . .	209
Report of Appointment and Petition for Approval of Appraiser(s) . . . . .	210
Order for Hearing . . . . .	211
Notice of Hearing. . . . .	212
Affidavit of Service. . . . .	213
Order Approving Appointed Appraiser(s) . . . . .	214
Independent Appraisement, Certificate of Appraisers, Order Allowing Appraisers' Fees and Expenses . . . . .	215
Allowance of Demand . . . . .	216
Statutory Allowance . . . . .	217
Setting Apart Homestead . . . . .	218
Sale of Personal Property . . . . .	219
Sale of Real Estate. . . . .	220
Petition for Final Settlement . . . . .	221

<i>Title</i>	<i>Form No.</i>
Order for Hearing . . . . .	222
Notice of Hearing . . . . .	223
Affidavit of Service . . . . .	224
Affidavit of Publication . . . . .	225
Written Defenses of Guardian Ad Litem . . . . .	226
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act . . . . .	227
Written Defenses of Attorney Representing Interest of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act . . . . .	228
Journal Entry of Final Settlement . . . . .	229
Receipt . . . . .	230
Journal Entry of Final Discharge . . . . .	231

## SIMPLIFIED ADMINISTRATION

Last Will and Testament of <u>Joe Brown</u> . . . . .	301
Consent of Spouse . . . . .	302
Petition for Probate of Will and Issuance of Letters Testamentary Under the Kansas Simplified Estates Act . . . . .	303
Preface to Forms 304-316	
Notice Ordered Pursuant to 59-2209:	
Order for Hearing and for Notice to Creditors . . . . .	304
Notice of Hearing and Notice to Creditors . . . . .	305
Affidavit of Service . . . . .	306
Affidavit of Publication . . . . .	307
Notice Ordered by Mail or Otherwise:	
Order for Hearing and for Notice to Creditors . . . . .	308
Notice of Hearing . . . . .	309
Affidavit of Service . . . . .	310
Notice to Creditors . . . . .	311
Affidavit of Publication . . . . .	312
Notice Waived:	
Voluntary Entry of Appearance and Waiver of Notice (and Bond) . . . . .	313
Order for Hearing and for Notice to Creditors . . . . .	314
Notice to Creditors . . . . .	315
Affidavit of Publication . . . . .	316
Guardian Ad Litem Forms . . . . .	317
Soldiers' and Sailors' Civil Relief Act Forms . . . . .	318
Forms Relating to Proof of Will . . . . .	319
Order Admitting Will to Probate and Issuing Letters <u>Testamentary</u> Under the Kansas Simplified Estates Act . . . . .	320
Certificate Pursuant to 59-2233 . . . . .	321
Oath of <u>Executrix</u> . . . . .	322
Bond . . . . .	323
Letters <u>Testamentary</u> Issued Under the Kansas Simplified Estates Act . . . . .	324
Inventory and Valuation . . . . .	325

<i>Title</i>	<i>Form No.</i>
Election to Take by Intestate Succession . . . . .	326
Allowance and Classification of Demand . . . . .	327
Statutory Allowance . . . . .	328
Setting Apart Homestead . . . . .	329
Sale of Personal Property . . . . .	330
Sale of Real Estate . . . . .	331
Petition for Judicial Determination of <u>Statutory Allowance</u> . . . . .	332
Order for Hearing . . . . .	333
Notice of Hearing . . . . .	334
Affidavit of Service . . . . .	335
Judicial Determination of <u>Statutory Allowance</u> . . . . .	336
Petition for Supervised Administration . . . . .	337
Order for Hearing . . . . .	338
Notice of Hearing . . . . .	339
Affidavit of Service . . . . .	340
Order for Supervised Administration . . . . .	341
Letters Testamentary . . . . .	342
Closing of Estate Under Kansas Simplified Estates Act . . . . .	343

## REFUSAL TO GRANT LETTERS OF ADMINISTRATION

Preface to Refusal to Grant Letters of Administration Forms . . . . .	
Petition for Order Refusing to Grant Letters of Administration . . . . .	401
Order for Hearing . . . . .	402
Guardian Ad Litem Forms . . . . .	403
Order Refusing to Grant Letters of Administration . . . . .	404
Receipt . . . . .	405
Petition for Order Terminating Proceedings . . . . .	406
Order for Hearing . . . . .	407
Order Terminating Proceedings . . . . .	408

## DESCENT PROCEEDINGS

Petition for Determination of Descent . . . . .	501
Order for Hearing . . . . .	502
Notice of Hearing . . . . .	503
Affidavit of Service . . . . .	504
Affidavit of Publication . . . . .	505
Proceedings for Appointment of Guardian Ad Litem . . . . .	506
Proceedings Under Soldiers' and Sailors' Civil Relief Act . . . . .	507
Decree of Descent . . . . .	508

## FOREIGN WILL

Petition to Admit Foreign Will to Probate and Record . . . . .	601
Order for Hearing . . . . .	602
Notice of Hearing . . . . .	603

<i>Title</i>	<i>Form No.</i>
Affidavit of Service.....	604
Affidavit of Publication .....	605
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act.....	606
Order Admitting Authenticated Copy of Foreign Will to Probate and Record .....	607

### **SPECIAL ADMINISTRATION**

Petition for Appointment of Special Administrator.....	701
Order for Hearing .....	702
Order Appointing Special Administrator .....	703
Oath of Special Administrator .....	704
Bond of Special Administrator .....	705
Letters of Special Administration.....	706
Petition for Order Approving Accounting and Closing Special Administration.....	707
Order for Hearing .....	708
Order Approving Accounting and Closing Special Administration.....	709
Receipt for Property Delivered.....	710
Journal Entry of Final Discharge of Special Administrator .....	711

### **ALLOWANCE OF DEMAND**

Petition for Allowance and Classification of Demand .....	721
Order for Hearing .....	722
Notice of Hearing.....	723
Affidavit of Service.....	724
Order Allowing and Classifying Demand.....	725

### **STATUTORY ALLOWANCE**

Petition for Statutory Allowance.....	731
Order for Hearing .....	732
Notice of Hearing.....	733
Affidavit of Service.....	734
Order for Statutory Allowance .....	735
Receipt.....	736

### **SETTING APART HOMESTEAD**

Petition to Set Apart Homestead .....	741
Order for Hearing .....	742
Notice of Hearing.....	743
Affidavit of Service.....	744
Order Setting Apart Homestead .....	745

## SALE OF PERSONAL PROPERTY

(Private Sale)

<i>Title</i>	<i>Form No.</i>
Petition for Sale of Property at Private Sale . . . . .	801
Order for Hearing . . . . .	802
Notice of Hearing. . . . .	803
Affidavit of Service. . . . .	804
Order for Sale of Personal Property at Private Sale . . . . .	805
Report of Sale of Personal Property at Private Sale . . . . .	806

(Public Auction)

Petition for Sale of Personal Property at Public Auction . . . . .	811
Order for Hearing . . . . .	812
Notice of Hearing. . . . .	813
Affidavit of Service. . . . .	814
Order for Sale of Personal Property at Public Auction. . . . .	815
Notice of Sale. . . . .	816
Affidavit of Publication . . . . .	817
Report of Sale of Personal Property at Public Auction. . . . .	818

## SALE OF REAL ESTATE

(Public Auction)

Petition for Sale of Real Estate at Public Auction . . . . .	821
Order for Hearing . . . . .	822
Notice of Hearing. . . . .	823
Affidavit of Service. . . . .	824
Affidavit of Publication . . . . .	825
Proceedings Under Soldiers' and Sailors' Civil Relief Act . . . . .	826
Proceedings for Appointment of Guardian Ad Litem . . . . .	827
Order to Sell Real Estate at Public Auction. . . . .	828
Notice of Sale. . . . .	829
Affidavit of Publication . . . . .	830
Report and Petition for Confirmation of Sale of Real Estate at Public Auction. . . . .	831
Order Confirming Sale of Real Estate at Public Auction . . . . .	832
Rider to be Attached to Bond of <u>Administrator, Jack O. Jones</u> , on File Herein. . . . .	833
<u>Administrator's</u> Deed . . . . .	834

(Private Sale)

Petition for Sale of Real Estate at Private Sale. . . . .	841
Order for Hearing . . . . .	842
Notice of Hearing. . . . .	843
Affidavit of Service. . . . .	844
Affidavit of Publication . . . . .	845
Proceedings Under Soldiers' and Sailors' Civil Relief Act . . . . .	846
Proceedings for Appointment of Guardians Ad Litem . . . . .	847

<i>Title</i>	<i>Form No.</i>
Order for Sale of Real Estate at Private Sale .....	848
Certificate of Appraiser(s).....	849
Report and Petition for Confirmation of Sale of Real Estate at Private Sale .....	850
Order for Hearing .....	851
Order Confirming Sale of Real Estate at Private Sale.....	852
Rider to be Attached to Bond of <u>Administrator, Jack O. Jones</u> , on File Herein..	853
<u>Administrator's</u> Deed .....	854
Report of Appointment and Petition for Approval of Appraiser(s) .....	861
Order for Hearing .....	862
Order Approving Appointed Appraiser(s).....	863
Certificate of Appraisers.....	864
Petition for Sale of Real Estate at Private Sale and for Confirmation Thereof.....	865
Order for Hearing .....	866
Notice of Hearing.....	867
Affidavit of Service.....	868
Affidavit of Publication .....	869
Proceedings Under Soldiers' and Sailors' Civil Relief Act.....	870
Proceedings for Appointment of Guardians Ad Litem .....	871
Order Authorizing and Confirming Sale of Real Estate at Private Sale ..	872
Rider to be Attached to Bond of <u>Administrator, Jack O. Jones</u> , on File Herein.	873
<u>Administrator's</u> Deed .....	874

## TESTATE ADMINISTRATION

<i>Title</i>	<i>Form No.</i>
Last Will and Testament of <u>John Doe</u> . . . . .	101
Consent of Spouse . . . . .	102
Petition for Probate of Will and Issuance of Letters Testamentary . . . . .	103
Preface to Forms 104-116	
Notice Ordered Pursuant to 59-2209:	
Order for Hearing and for Notice to Creditors . . . . .	104
Notice of Hearing and Notice to Creditors . . . . .	105
Affidavit of Service . . . . .	106
Affidavit of Publication . . . . .	107
Notice Ordered by Mail or Otherwise:	
Order for Hearing and for Notice to Creditors . . . . .	108
Notice of Hearing . . . . .	109
Affidavit of Service . . . . .	110
Notice to Creditors . . . . .	111
Affidavit of Publication . . . . .	112
Notice Waived:	
Voluntary Entry of Appearance and Waiver of Notice [and Bond] . . . . .	113
Order for Hearing and for Notice to Creditors . . . . .	114
Notice to Creditors . . . . .	115
Affidavit of Publication . . . . .	116
Petition for Appointment of Guardian Ad Litem . . . . .	117
Order for Hearing . . . . .	118
Order Appointing Guardian Ad Litem . . . . .	119
Voluntary Entry of Appearance and Waiver of Notice [and Bond] . . . . .	120
Written Defenses of Guardian Ad Litem . . . . .	121
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act . . . . .	122
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 . . . . .	123
Order for Hearing . . . . .	124
Order Appointing Attorney to Represent Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act . . . . .	125
Voluntary Entry of Appearance and Waiver of Notice [and Bond] . . . . .	126
Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act . . . . .	127
Form Relating to Proof of Will by Affidavit . . . . .	128
Form Relating to Proof of Will by Testimony in Open Court Reduced to Writing . . . . .	129
Forms Relating to Proof of Will by Issuance of Commission to take Deposition of Subscribing Witness . . . . .	130
Order Admitting Will to Probate . . . . .	131
Appointment of Agent by Non-Resident <u>Executor</u> . . . . .	132
Certificate Pursuant to K.S.A. 59-2233 . . . . .	133
Oath of <u>Executrix</u> . . . . .	134
Bond . . . . .	135

<i>Title</i>	<i>Form No.</i>
Letters Testamentary . . . . .	136
Inventory & Valuation . . . . .	137
Election to Take by Intestate Succession . . . . .	138
Allowance of Demand . . . . .	139
Statutory Allowances . . . . .	140
Setting Apart of Homestead . . . . .	141
Sale of Personal Property . . . . .	142
Sale of Real Estate . . . . .	143
Petition for Final Settlement . . . . .	144
Order for Hearing . . . . .	145
Notice for Hearing . . . . .	146
Affidavit of Service . . . . .	147
Affidavit of Publication . . . . .	148
Written Defenses of Guardian Ad Litem . . . . .	149
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act . . . . .	150
Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act . . . . .	151
Journal Entry of Final Settlement . . . . .	152
Receipt . . . . .	153
Journal Entry of Final Discharge . . . . .	154

(101)

LAST WILL AND TESTAMENT OF JOHN DOE

NOTE: 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 concern himself not only with the testator's desires as to distribution of his 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. Under the provisions of K.S.A. 59-606 and 59-2244, the self-proved will concept is implemented and available to the drafter. John Doe, in his estate planning, provided that his estate would qualify for maximum marital deduction from both probate and nonprobate assets. His Will provided that his probate assets would be distributed as follows:

- (a) Specific bequest in the form of a testamentary trust of \$10,000 to The Hometown State Bank, Hometown, Kansas, for the benefit of a minor grandson (child of testator's son named in Will, but to whom no bequest was made).
- (b) Specific bequest of stamp collection, having an approximate value of \$1,000, to a minor granddaughter.
- (c) Specific bequest of \$10,000 to each of two sons and one granddaughter (daughter of prior deceased daughter of testator).
- (d) Specific bequest to Church of \$5,000.
- (e) Residue of his estate to his wife.

His Will designated his wife as executrix to serve without bond; and included "Consent of Spouse."

The Will, when probated, necessitated all pleadings for which forms numbered 102 through 154 are suggested.

(102)

## 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 document dated April 15, 19 76, declaring the same to be his Last Will and Testament. 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.

Witness my hand this 15th day of April, 19 76, at Hometown, Apache County, Kansas.

MARY DOE

## ATTESTING WITNESS

We, the undersigned witnesses, being of legal age, hereby attest that we, and each of us, saw Mary Doe sign the above instrument and declare the same to be her consent to the Last Will and Testament of John Doe, her husband, and that we at her request, in her presence and in the presence of each other, hereby subscribe our names as attesting witnesses this 15th day of April, 19 76.

G. O. BACK  
CARRY BACK  
I. S. GONE

*Reference:* K.S.A. 59-404; 59-602; 59-606.

*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. The Consent of Spouse can be self-proved. See 59-606.

(103)

In the District Court of Apache County, Kansas

In the Matter of the Estate of

JOHN DOE, Deceased

No. 5000

(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

Petition for Probate of Will and Issuance of Letters Testamentary

COMES NOW Mary Doe and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 1, Hometown, Kansas 66648.

2. That the Petitioner has an interest in decedent's Estate as an heir, devisee and legatee, and as Executrix named in the Last Will and Testament of John Doe, deceased, dated April 15, 19 76.

3. That John Doe died testate at Hometown, Kansas, on the 3rd day of July, 19 76; that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States.

4. That 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:

<u>Name</u>	<u>Age</u>	<u>Relationship</u>	<u>Residence and Address</u>
<u>Mary Doe</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 1, Hometown, Kansas 66648</u>
<u>Theodore R. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>1220 Main Street, Metropolis, Kansas 66625</u>
<u>Robert E. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>Serial No. 83297336, APO New York, N. Y.</u> <u>10026, whose permanent</u> <u>residence is P. O. Box 238, Kaw City,</u> <u>Kansas 66600</u>
<u>Thomas A. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>Crossroads, Arizona 79108</u>
<u>Mary Ann Jones</u>	<u>16 yrs.</u>	<u>Granddaughter</u>	<u>Dry Creek, Colorado 66875</u>

(Minor above named is the child of Mary Doe Jones, a prior deceased daughter of decedent herein.)

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

6. That the instrument in writing dated April 15, 1976 , and filed herewith, is the Last Will and Testament of the decedent; that the same had a legal existence and remained unrevoked at the time of his death; that at the time of the execution thereof he was of legal age, of sound mind, and not under restraint.

7. That administration is not sought under the Kansas Simplified Estates Act.

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

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

9. That 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, Kansas 66648</u>

10. That Mary Doe, wife of the testator, consented in writing to the Last Will and Testament, as provided by law, which consent is attached to and filed herewith.

11. That 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 and Address</i>
<u>Mary Doe</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 1, Hometown, Kansas 66648</u>
<u>Theodore R. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>1220 Main Street, Metropolis, Kansas 66625</u>
<u>Robert E. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>Serial No. 83927336, APO, New York, N.Y. 10026, whose permanent address is P. O. Box 238, Kaw City, Kansas 66600</u>
<u>Mary Ann Jones</u>	<u>16 yrs.</u>	<u>Grand- daughter</u>	<u>Dry Creek, Colorado 66875</u>
<u>Henry H. Doe</u>	<u>6 yrs.</u>	<u>Grandson</u>	<u>Crossroads, Arizona 79108</u>

(Son of Thomas A. Doe)

<u>The Hometown State Bank</u>	<u>Trustee designated in decedent's Will</u>	<u>Hometown, Kansas 66648</u>
<u>The Peoples Church</u>	<u>Designated Legatee</u>	<u>Hometown, Kansas 66648</u>

12. That the names and addresses 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:

<i>Name</i>	<i>Representative Capacity</i> (NONE)	<i>Address</i>
-------------	--	----------------

13. That the general character and probable value of decedent's Estate are:  
Real estate of the estimated value of \$50,000 with probable annual income of \$5,000.

Personal property of the estimated value of \$50,000.

14. That the appointment of an Executrix is necessary for the collection, conservation and administration of the Estate; that Mary Doe a resident of Kansas , whose residence and address is Route 1, Hometown, Kansas 66648 , is a suitable and competent person to be granted Letters Testamentary, without bond, as provided by said Last Will and Testament .

WHEREFORE, the Petitioner prays that the instrument offered herewith be admitted to probate and record as the Last Will and Testament of the decedent; that Letters Testamentary be granted to her to serve as Executrix without bond and that the "Consent of Spouse" filed herein be determined a valid consent

MARY DOE

*Petitioner*

STATE OF KANSAS

SS:

COUNTY OF Apache

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

That she is the Petitioner above named; that she has read the above Petition for probate of Will and Issuance of Letters Testamentary; that she knows the content thereof, and that all the statements therein made are true.

MARY DOE

SUBSCRIBED AND SWORN TO before me this 10th day of July, 19 76.

NEVA WRIGHT

*Notary Public*

My Appointment Expires:

January 10, 1976

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 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; 59-1706; 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).

*Time:* The Petition must be filed within nine months after the death of the testator.

*Comment:* 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. If the testator refers in his 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 10 and the last portion of the prayer is applicable only when a consent is filed with the Will, 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 Petitioner is a corporation, see Form 721 for a form of corporate verification. Letters Testamentary may be granted to a non-resident of the state when the non-resident has appointed a resident agent.

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

(PREFACE TO FORMS 104-116)

Forms 104 to 116 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. . . .	104-107
Notice to heirs, devisees and legatees is to be given by mail or other method as the court directs. . . . .	108-112
Heirs, devisees and legatees have filed voluntary entries of appearance and waivers of notice. . . . .	113-116
In each situation notice to the creditors is by publication.	

---

(104)

(CAPTION)

**ORDER FOR HEARING  
AND FOR NOTICE TO CREDITORS**

NOW on this 10th day of July, 19 76, the Court finds that the Petition for Probate of Will and Issuance of Letters Testamentary filed by Mary Doe, should be heard on the 4th day of August, 19 76, at ten o'clock A.M. in this Court; that notice of the time and place of hearing be given pursuant to K.S.A. 59-2209; and that notice to creditors be given pursuant to K.S.A. 59-709.

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

Telephone 913 555-0000

Attorneys for Petitioner

---

*Reference:* K.S.A. 59-709; 59-2204; 59-2208; 59-2209; 59-2222; 59-2223.

*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 No. 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.

---

(105)

First published in the Metropolis Herald , Tuesday , the \_\_\_\_ day of \_\_\_\_ , 19 \_\_\_\_ .  
IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of }  
JOHN DOE , Deceased }

No. 4000

### NOTICE OF HEARING AND NOTICE TO CREDITORS

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that on July 10 , 19 76 , a Petition was filed in this Court by Mary Doe , an heir , devisee and legatee , and Executrix named in the Last Will and Testament of John Doe , deceased, dated April 15 , 19 76 , praying that the Will filed with the Petition be admitted to probate and record; that she be appointed as Executrix without bond; that she be granted Letters Testamentary, and that the "Consent of Spouse", filed herein, be determined a valid consent .

You are required to file your written defenses thereto on or before the 4th day of August , 19 76 , at ten o'clock A .M. of said day, in said Court, in the City of Metropolis , in Apache County, Kansas, at which time and place said 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 six 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

Telephone 913 555-0000

Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Tuesdays commencing the 11th day of July , 19 76 . 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. 59-603; 59-709; 59-2208; 59-2209; 59-2210; 59-2222; 59-2223; 59-2225; 59-2233; 59-2236; 59-2239.

*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 No. 115).

The non-claim statute for creditors begins to run with the first publication of the Notice. Notice by mail to creditors is not required.

(106)

(CAPTION)

## AFFIDAVIT OF SERVICE

STATE OF KANSAS

COUNTY OF APACHE

} ss:

W. B. Pleader, of lawful age, being first duly sworn, on his oath, states:

That he is one of the attorneys for the Petitioner, that he served a copy of the attached notice by depositing the same in the United States Mail, postage prepaid, on the 16th day of July, 19 76, 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 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.

FURTHER AFFIANT SAITH NOT.

W. B. Pleader

SUBSCRIBED AND SWORN TO BEFORE me this 20th day of July, 19 76.

NEVA WRIGHTNotary Public

(SEAL)

My Appointment Expires:

January 10, 1978

*Reference:* K.S.A. 59-2209; 59-2211.

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

*Comment:* The Notice must be mailed to all persons interested within seven days of the first publication of the notice. Copy of Notice should be attached to the Affidavit of Service.

(107)

## AFFIDAVIT OF PUBLICATION

STATE OF KANSAS

} ss:

COUNTY OF APACHE

Horace Greeley, being first duly sworn, deposes and says: That 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 that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted to the post office of Metropolis in said County as second-class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for three consecutive weeks, the first publication thereof being made as aforesaid on the 11th day of July, 19 76, with subsequent publications being made on the following dates:

<u>July 18</u> _____, 19 <u>76</u>	<u>July 25</u> _____, 19 <u>76</u>
_____, 19 —	_____, 19 —
_____, 19 —	_____, 19 —

\_\_\_\_\_  
HORACE GREELEY

SUBSCRIBED AND SWORN TO BEFORE me this 25th day of July, 19 76

\_\_\_\_\_  
HELEN WATERS

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

(SEAL)

My Appointment Expires: July 1, 1977Printer's fee \$ 15.00

Additional copies \$ \_\_\_\_\_

*Reference:* K.S.A. 59-2209; 59-2211; 59-2222; 64-101.

*Time:* The Proof of Publication must be filed before the hearing.

*Comment:* The Proof of Publication by Affidavit of the Publisher should contain the dates of publication and a copy of the published notice.

(108)

(CAPTION)

## ORDER FOR HEARING AND FOR NOTICE TO CREDITORS

NOW on this 10th day of July, 19 76, the Court finds that the Petition for Probate of Will and Issuance of Letters Testamentary filed by Mary Doe, should be heard on the 4th day of August, 19 76, at ten o'clock A.M. in this Court; that 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 that notice to creditors be given pursuant to K.S.A. 59-709.

IT IS SO ORDERED.

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

\_\_\_\_\_  
Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER &amp; TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone (913) 555-0000

Attorneys for Petitioner

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

(109)

(CAPTION)

**NOTICE OF HEARING**

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that on July 10, 19 76, a petition was filed in this Court by Mary Doe, an heir, devisee and legatee, and Executrix named in the Last Will and Testament of John Doe, deceased, dated April 15, 19 76, praying that the Will filed with the Petition be admitted to probate and record; that she be appointed as Executrix without bond; that she be granted Letters Testamentary, and that the "Consent of Spouse", filed herein, be determined a valid consent.

You are required to file your written defenses thereto on or before the 4th day of August, 19 76, at ten o'clock A.M. of said day, in said Court, in the City of Metropolis, in Apache County, Kansas, at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the Petition.

Mary Doe*Petitioner**Reference:* K.S.A. 59-603; 59-709; 59-2208; 59-2210; 59-2222; 59-2223; 59-2225; 59-2233; 59-2236.*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 108.

Separate notice to creditors must be published.

(110)

## AFFIDAVIT OF SERVICE

See Form 106, as to: (1) Form,  
 (2) Reference, and  
 (3) Time.

---

*Comment:* If the Court orders Notice to be given by personal service the Affidavit of Service shall so reflect.

---

(111)

First published in the Metropolis Herald , Friday , the 11th day of July , 19 76 .

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 , 19 76 , a Petition for Probate of Will and Issuance of Letters Testamentary was filed in this Court by Mary Doe , an heir, devisee and legatee , and Executrix named in the Last Will and Testament of John Doe , deceased.

All creditors of the above named decedent are notified to exhibit their demands against the Estate within six 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  
 Telephone 913 555-0000  
 Attorneys for Petitioner

---

TO THE PUBLISHER: Please publish for three consecutive Fridays commencing on the 11th day of July , 19 76 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. 59-709; 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 said event will this form be used. When this form is used the Notice shall be published for three weeks beginning within ten days after the filing of the petition.

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

(112)

**Affidavit of Publication**

See Form 107, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

(113)

(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 his appearance herein, waives notice of hearing on the Petition for Probate of Will & Issuance of Letters Testamentary filed by Mary Doe, and consents that the said Petition may be set for immediate hearing without further notice to him pursuant to K.S.A. 59-2223 [and waives the requirement of bond pursuant to K.S.A. 59-1401].

Dated and signed this 11th day of July, 19 76.

THEODORE R. DOE

State of Kansas

} ss:

County of Apache

The foregoing instrument was acknowledged before me this 11th day of July, 19 76, by Theodore R. Doe.

NEVA WRIGHT

*Notary Public*

My Appointment Expires:

January 10, 1978

*Reference:* K.S.A. 59-1101; 59-1104; 59-2208; 59-2222; 59-2223.

*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 the 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.

Forms relating to waivers by guardian ad litem and by attorney under the Soldiers' & Sailors' Civil Relief Act are found at 120 & 126 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.

(114)

(CAPTION)

**Order for Hearing  
And for Notice to Creditors**

Now on this 15th day of July, 19 76, the Court finds that Voluntary Entries of Appearance and Waivers of Notice have been entered by all parties interested; that the Petition for Probate of the Will and Issuance of Letters Testamentary, filed by Mary Doe, should be set for immediate hearing; that notice of the time and place of hearing by publication or otherwise is not necessary or required by law; and that Notice to Creditors shall be given pursuant to K.S.A. 59-709.

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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-709; 59-2204; 59-2208; 59-2222; 59-2223.

*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.

(115)

**Notice to Creditors**

See Form 111, as to: (1) Form,  
(2) Reference, and  
(3) Time.

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

---

(116)

**Affidavit of Publication**

See Form No.107, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(117)

(CAPTION)

**PETITION FOR APPOINTMENT OF GUARDIAN AD LITEM**

COMES NOW Mary Doe and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 1, Hometown, Kansas 66648.

2. That the Petitioner has an interest in decedent's Estate as an heir, devisee and legatee, and as Executrix named in the Last Will and Testament of John Doe, deceased, dated April 15, 19 76.

3. That Mary Ann Jones, now residing at Dry Creek, Colorado 66875, is the minor child of Mary Doe Jones, a prior deceased daughter of the decedent, being sixteen years of age, and has an interest in decedent's Estate as an heir at law of the decedent and as a legatee named in decedent's Last Will and Testament.

4. That Henry H. Doe, now residing at Crossroads, Arizona 79108, is the minor child of Henry H. Doe, being six years of age, and has an interest in decedent's Estate as designated beneficiary of a testamentary trust provided by decedent's Last Will and Testament.

5. That neither of the minors has a legally appointed Conservator.

6. That a Guardian ad litem should be appointed for the minors throughout all proceedings had in the administration of decedent's Estate.

WHEREFORE, Petitioner prays that the Court appoint a Guardian ad litem to represent and defend Mary Ann Jones and Henry H. Doe throughout all proceedings had in the administration of decedent's Estate.

MARY DOE

*Petitioner*

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

(See Form 103 for verification)

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

---

*Reference:* K.S.A. 59-2201; 59-2202; 59-2205.

*Time:* The Petition may be filed at anytime prior to the hearing.

*Comment:* When any legal disability exists, the appointment of Guardian ad litem is discretionary; unnecessary in merely formal matters. If a contest is imminent or substantial rights are affected, one 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.

(118)

(CAPTION)

### Order for Hearing

Now on this 10th day of July, 19 76, the Court finds that the Petition for Appointment of Guardian Ad Litem filed by Mary Doe, should be set for immediate hearing, and that 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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-2204; 59-2208.

*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 Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act may be combined. Likewise, Petitions for Appointment, Orders Appointing and Written Defenses may be combined.

(119)

(CAPTION)

### Order Appointing Guardian Ad Litem

NOW on this 10th day of July, 19 76, comes on for hearing the Petition for Appointment of Guardian ad litem for minors having an interest in decedent's Estate.

Petitioner appears by her 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. That notice of the time and place of hearing is not necessary or required by law.

2. That the allegations of the Petition are true.

3. That Mary Ann Jones and Henry H. Doe are minors and have interests in decedent's Estate.

4. That neither of the minors has a legally appointed Conservator.

5. That a Guardian ad litem should be appointed for the minors throughout all proceedings had in the administration of decedent's Estate.

6. That 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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of this Court.

(B) That M. R. Docket be and he is hereby appointed Guardian ad litem for the above named minors 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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-2205.

*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; unnecessary in merely formal matters. If a contest is imminent or substantial rights are affected, one 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 Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act may be combined. Likewise, Petitions for Appointment, Orders for Hearing and Written Defenses may be combined.

(120)

(CAPTION)

**Voluntary Entry of Appearance and Waiver  
of Notice [and Bond]**

Comes Now M. R. Docket, Guardian Ad Litem , for Mary Ann Jones and Henry H. Doe, minors , and enters his appearance in writing, personally and on behalf of said minors , waives the notice of Hearing otherwise required on the Petition for Probate of Will and Issuance of Letters Testamentary filed by Mary Doe , consents to an immediate hearing without further notice [and waives any requirement of bond].

Dated and signed this 11th day of July , 19 76 .

M. R. DOCKET

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, by M. R. Docket .

NEVA WRIGHT

*Notary Public*

(SEAL)

My Appointment Expires:

January 10, 1978

*Reference:* K.S.A. 59-2209; 59-2222; 59-2223.

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

*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.

If a person is entering appearance and waiving notice on his own behalf he should see Form 113.

(121)

(CAPTION)

**Written Defenses of Guardian Ad Litem**

Comes Now M. R. Docket , Guardian Ad Litem for Mary Ann Jones and Henry H. Doe, minors , and for his defense on behalf of the minors to the Petition for Probate of Will and Issuance of Letters Testamentary , denies each, every, all and singular, the allegations of the Petition which are adverse to the interests of the minors .

M. R. DOCKET

*Guardian ad litem*

*Reference:* K.S.A. 59-2205.

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

*Comment:* The Written Defenses of the Guardian Ad Litem and the Written Defense of the Attorney Representing Interests of Serviceman pursuant to Soldiers' and Sailors' Civil Relief Act may be combined. Likewise, Petitions for Appointment, Orders for Hearing and Orders Appointing may be combined.

(122)

(CAPTION)

**Affidavit Pursuant to Solders'  
and Sailors' Civil Relief Act**

STATE OF KANSAS

} SS:

COUNTY OF APACHEI, Mary Doe, being first duly sworn, on my oath, state:

That no person interested as an heir, devisee and legatee in 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 Solders' and Sailors' Civil Relief Act of 1940, as amended.

MARY DOE

SUBSCRIBED AND SWORN TO before me this 10th day of July, 19 76.

NEVA WRIGHT

*Notary Public*

My Appointment Expires:

January 10, 1978

*Reference:* Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C.A. App. Sec. 501, et seq.; Military Selective Service Act of 1967, 50 U.S.C.A. App. Sec. 464.

*Comment:* This Affidavit should be filed on the date of the hearing if, at that time, the averments are correct. If not, see Form No. 123, 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.

(123)

(CAPTION)

**Petition for Appointment of Attorney  
Pursuant to Soldiers' and Sailors'  
Civil Relief Act**

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

1. That Robert E. Doe, an heir at law and legatee named in the Last Will and Testament of the decedent, 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.

That an attorney should be appointed to represent him throughout all proceedings had in the administration of the decedent's Estate, so long as he 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 her attorneys, Pleader, Pleader & Tryor, and alleges:

1. That 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. That an attorney should be appointed to represent any unknown persons in such service interested in the Estate of the decedent throughout all proceedings had 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 such service) throughout all proceedings had in the administration of decedent's Estate.

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

*Attorneys for Petitioner*

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

(See Form No. 103 for Verification)

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

---

*Reference:* K.S.A. 59-2201; Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C.A. App. Sec. 501, et seq; Military Selective Service Act of 1967, 50 U.S.C.A. App. Sec. 464.

*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 No. 122.

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

---

(124)

## ORDER FOR HEARING

See Form 118, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(125)

(CAPTION)

**Order Appointing Attorney to  
Represent Interests of Serviceman  
Pursuant to Soldiers' and Sailors'  
Civil Relief Act**

NOW on this 10th day of July, 19 76, comes on for hearing the Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act.

Petitioner appears by her 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. That notice of the time and place of hearing is not necessary or required by law.

2. That the allegations of the Petition are true.

3. That Robert E. Doe, an heir and legatee named in the Last Will and Testament of the decedent, 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. That an attorney should be appointed to represent him throughout all proceedings had in the administration of the decedent's Estate, so long as he remains in the service of the United States or its allies, within the purview of the above Act.

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

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

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

(B) That U. B. Brief, be and he is hereby appointed Attorney to represent the interests of Robert E. Doe, throughout all proceedings had in the administration of decedent's Estate, so long as he 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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C.A. App. Sec.

501; et seq; Military Selective Service Act of 1967, 50 U.S.C.A. App. Sec. 464.

*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 such service, the Order should recite, as the Courts findings, the allegations in paragraphs one and two in the last portion of Form No. 123. 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 No. 122.

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

(126)

(CAPTION)

**Voluntary Entry of Appearance and Waiver of  
Notice [and Bond]**

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 enters his appearance in writing, personally and on behalf of said persons, waives the Notice of Hearing otherwise required on the Petition for Probate of Will and Issuance of Letters Testamentary filed by Mary Doe, consents to an immediate hearing without further notice [and waives any requirement of bond].

Dated and signed this 11th day of July, 19 76.

U. B. BRIEF

The foregoing instrument was acknowledged before me this 11th day of July, 19 76 by U. B. Brief.

NEVA WRIGHT

*Notary Public*

My Appointment Expires:

January 10, 1978

*Reference:* K.S.A. 59-2208; 59-2222; 59-2223.

*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 serviceman pursuant to the Soldiers' & Sailors' Civil Relief Act to make the waivers allowed under 59-2223. If that is not the case this form should be omitted.

(127)

(CAPTION)

**Written Defenses of Attorney Representing  
Interests of Serviceman 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, 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

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

(128)

(CAPTION)

**AFFIDAVIT OF SUBSCRIBING WITNESS**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss:

I, \_\_\_\_\_ of lawful age, being first duly sworn upon oath, do say:  
That this Affidavit is made with reference to the Petition for Probate of the Will of \_\_\_\_\_, deceased, filed by the petitioner \_\_\_\_\_.

I am a competent witness, and was present at the examination of the instrument now before me, bearing the date of \_\_\_\_\_, and designated as "Last Will and Testament of \_\_\_\_\_." At that time, \_\_\_\_\_ signed the instrument and declared it to be his Last Will and Testament, in my presence and in the presence of \_\_\_\_\_ and \_\_\_\_\_, the other subscribing witnesses. I subscribed my name thereto as a witness at the request of the testator, in his presence and in the presence of the other subscribing witnesses above named. All three of the subscribing witnesses signed their names in the presence of the testator and in the presence of each other. The testator, \_\_\_\_\_, was, at the time of the execution of the Will, of legal age, and of sound mind and memory and not under any restraint.

I was also present at the execution of the consent of \_\_\_\_\_ to the "Last Will and Testament of \_\_\_\_\_." At that time \_\_\_\_\_ signed the instrument and declared it to be her consent, in my presence and in the presence of \_\_\_\_\_ and \_\_\_\_\_.

the other subscribing witnesses. I subscribed my name thereto as a witness at the request of \_\_\_\_\_, in her presence and in the presence of the other subscribing witnesses above named. All three of the subscribing witnesses signed their names in the presence of \_\_\_\_\_ and the presence of each other. \_\_\_\_\_ was at the time of the execution of the consent of legal age, and of sound mind and memory and not under any restraint.

\_\_\_\_\_  
*Affiant*

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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

MY APPOINTMENT EXPIRES:  
\_\_\_\_\_

*Reference:* K.S.A. 59-601; 59-602; 59-606; 59-2208; 59-2212; 59-2224.

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

*Comment:* Amendment by 1977 legislature allows proof of will by affidavit. The last paragraph of the affidavit should be used only if a consent of spouse is involved.

(129)

(CAPTION)

### TESTIMONY OF SUBSCRIBING WITNESS

(Taken in open court)

\_\_\_\_\_, being called as a witness for the petitioner on the Petition for Probate of the Will of \_\_\_\_\_, deceased, being first duly sworn, testified on her oath as follows:

I was present at the execution of the instrument now before me, bearing the date of \_\_\_\_\_, and designated as "Last Will and Testament of \_\_\_\_\_." At that time, \_\_\_\_\_ signed the instrument and declared it to be his Last Will and Testament, in my presence and in the presence of \_\_\_\_\_ and \_\_\_\_\_, the other subscribing witnesses. I subscribed my name thereto as a witness at the request of the testator, in his presence and in the presence of the other subscribing witnesses above named. All three of the subscribing witnesses signed their names in the presence of the testator and in the presence of each other. The testator, \_\_\_\_\_, was, at the time of the execution of the Will, of legal age, and of sound mind and memory and not under any restraint.

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

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

\_\_\_\_\_  
Judge

*Reference:* K.S.A. 59-601; 59-602; 59-606; 59-2208; 59-2212; 59-2224.

*Comment:* The third paragraph of the testimony relates to the consent of spouse and should be used only if the consent of spouse is involved.

(130)

(CAPTION)

**Petition for Issuance of Commission to Take Deposition  
of Subscribing Witness**

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

1. That G. O. Back, one of the subscribing witnesses to the decedent's Last Will and Testament and "Consent of Spouse", is a non-resident of this county and state; that he currently resides in Frontier County, Wyoming, and his address is Route 1, Rock Ledge, Wyoming 98440.

2. That 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 No. 103 for Verification)

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

*Reference:* K.S.A. 59-2202; 59-2212; 59-2224.

*Time:* This Petition should be filed with the Petition for Probate of Will and Issuance of Letters Testamentary, allowing ample time for the deposition to be taken and returned before the hearing.

*Comment:* This form and the commission procedure should not be used when local witnesses are available who can testify to the testator's handwriting or when a Will contest is imminent or when the will can be proved in another manner as provided in K.S.A. 59-2224, If a contest develops at the time of the

hearing, the Court should continue the matter, if requested by counsel, until opposing parties have had an opportunity to cross-examine witnesses. This Petition would not be necessary if the Will is self-proved.

### ORDER FOR HEARING

See Form No. 118, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

(CAPTION)

### Order for Issuance of Commission and Commission to Take Deposition

Now on this 11th day of July, 19 76, comes on for hearing the Petition for Issuance of Commission to Take Deposition of Subscribing Witness, G. O. Back.

The Petitioner appears by her 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. That notice of the time and place of hearing is not necessary or required by law.

2. That the allegations of the Petition are true.

3. That 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. That 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. That 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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That 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)

### COMMISSION TO TAKE DEPOSITION

TO: F. F. HATFIELD, PROBATE JUDGE OF FRONTIER COUNTY, WYOMING, COURT-HOUSE, ROCK LEDGE, WYOMING 90440 ;

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 his answers to writing and submit them to the witness for his verification and signature.

Immediately thereafter and prior to August 2, 1976, you shall return by United State 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, 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, the 11th day of July, 19 76.

A. L. Mann

*Judge*

(SEAL)

### 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, 1976, 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 his 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 his 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 he under any restraint of any kind?

Answer: None whatsoever.

No. 10: Did he possess rights of majority at the time of 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 of her husband, John Doe , did she know what property was owned by her husband and its nature and extent?

Answer: Yes .

No. 16: Did you d the other witnesses, Carrie Back and I. S. Gone , sign your names as witnesses to the "Consent of Spouse" of Mary Doe , in her 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, 1976 ?

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 , the 2nd day of August , 19 76 .

F. F. HATFIELD

*Probate Judge  
County Court House  
Frontier County,  
Wyoming*

(SEAL)

### 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 he appeared before me at my office in Rock Ledge Wyoming , on the 2nd day of August , 19 76 , where I placed him under oath to tell the truth, the whole truth, and nothing but the truth exhibited to him 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 his answers to writing; submitted the same to the witness for his inspection; received the same from him 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 Court House  
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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-601; 59-606; 59-2208; 59-2212; 59-2224.

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

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

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

(131)

(CAPTION)

### Order Admitting Will To Probate

Now on this 4th day of August , 19 76 , comes on for hearing the Petition for Probate of Will and Issuance of Letters Testamentary, filed herein by Mary Doe .

The Petitioner appears in person and by her attorneys Pleader, Pleader & Tryor . Robert E. Doe a serviceman as defined by the Soldiers' and Sailors' Civil Relief Act, appears by his attorney U. B. Brief . Mary Ann Jones and Henry H. Doe , minors appear by their Guardian ad litem M. R. Docket . Theodore R. Doe appears in person. The Hometown State Bank appears by its Trust Officer D. O. Cash . The Peoples Church appears by its attorney I. M. Good . 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. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, devisees and legatees.

2. That notice of this hearing has been 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. That the allegations of the Petition are true.

4. That 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. That John Doe died testate at Hometown, Kansas on the 3rd day of July, 1976, that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States.

6. That 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; that the instrument dated April 15, 1976, and filed with the Petition, is the Last Will and Testament of John Doe, deceased; that 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; that the Last Will and Testament was in full force and effect at the date of the death of the decedent, and that the Last Will and Testament should be admitted to probate and record.

7. That Mary Doe is named as Executrix in the 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. (Note: If bond is excused for any other reason set forth in K.S.A. 59-1104, recite that reason in this paragraph. If bond is required show that fact and the amount.)

8. That administration is not sought under the Kansas Simplified Estates Act.

9. That Mary Doe, the Petitioner, was the wife of the decedent at the time the decedent executed his Last Will and Testament and she executed her consent in writing to the Last Will and Testament of the decedent.

[10. That \_\_\_\_\_ 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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the instrument, dated April 15, 1976, and filed with the Petition, be and is hereby adjudged to be the Last Will and Testament of John Doe, deceased, and that it be and is hereby admitted to probate and record.

(C) That the Consent of Spouse, dated April 15, 1976, executed by Mary Doe be and is hereby adjudged to be a valid and binding consent to the Last Will and Testament of decedent.

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

A. L. MANN

*Judge*

(SEAL)

APPROVED:

PLEADER, PLEADER &amp; TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

U. B. BRIEF

U. B. Brief

Metropolis, Kansas 66623

Telephone 913-555-1111

Attorney for Robert E. Doe

M. R. DOCKET

M. R. Docket

Metropolis, Kansas 66623

Telephone 913-555-2222

Guardian ad litem for Mary Ann

Jones and Henry H. Doe, minors

I. M. GOOD

I. M. Good

Hometown, Kansas 66648

Telephone 913-555-3333

Attorney for The Peoples Church

*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.

*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 the Executor is a non-resident 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.

(132)

(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 said agent shall have the same force and effect as if made upon me personally within said County and State.

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

\_\_\_\_\_  
*EXECUTOR*

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } ss:

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

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

My Appointment Expires:  
\_\_\_\_\_

*Reference:* K.S.A. 59-706; 59-1706; 60-308.

*Time:* Prior to the issuance of letters to the non-resident executor.

*Comment:* If an executor who was a resident moves from the state his letters will be revoked until he has appointed an agent pursuant to 59-706. Under 60-308, the non-resident executor could be served directly.

(133)

(CAPTION)

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

STATE OF KANSAS

COUNTY OF APACHE

} ss:  
}

I, A. L. Mann, Probate 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 Sections 59-603 and 59-2233 of Kansas Statutes Annotated, as amended, were transmitted by United States mail by this Court to Mary Doe, Route 1, Hometown, Kansas 66648, surviving spouse of decedent, on the 4th day of August, 19 76, in accordance with law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Court this 4th day of August, 19 76.

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

*Judge*

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

*Reference:* K.S.A. 59-603; 59-2233.

(Form 134)

(CAPTION)

## OATH OF EXECUTRIX

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 Executrix 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 organized or having its principal place of business outside the State of Kansas.

\_\_\_\_\_  
MARY DOE

SUBSCRIBED AND SWORN TO before me this 4th day of August, 19 76.  
A. L. MANN

\_\_\_\_\_  
*Judge*

(SEAL)

\_\_\_\_\_  
*Reference:* K.S.A. 59-1702; 59-2227.

*Time:* The Oath must be filed within ten days after the Appointment of the Executor.

*Comment:* The Oath should conform to the statutory requirements.

(135)

## 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 bond is required, follow generally Form No. 705 in the Special Administration Series. If a commercial surety bond is required, follow generally Form No. 207 in the Intestate Administration Series.

(136)

(CAPTION)

## Letters Testamentary

KNOW ALL MEN BY THESE PRESENTS:

That Mary Doe, a resident of Hometown, Apache County, Kansas, named as Executrix of the Last Will and Testament of John Doe, deceased, having been appointed and qualified as Executrix, 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 the said county and state, this 4th day of August, 19 76.

A. L. MANN

*Judge*

(SEAL)

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913-555-0000

*Reference:* K.S.A. 59-701; 59-706; 59-2227.

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

(137)

(CAPTION)

### INVENTORY AND VALUATION

#### SCHEDULE "A"

##### REAL ESTATE

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary</i>
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 180 acres, more or less, Apache County, Kansas. . . . .	<u>\$35,000.00</u>
2.	The Northeast quarter of the Northeast quarter of Section 10, Township 20, South, Range 30, West of the 6th P.M., containing 40 acres, more or less, together with all improvements situated thereon. . . . .	<u>\$15,000.00</u>
	Total Schedule "A" . . . . .	<u>\$50,000.00</u>

#### SCHEDULE "B"

##### STOCKS AND BONDS

(Corporate Stock)

<i>Item No.</i>	<i>Description</i>	<i>Unit Value</i>	<i>Valuation by Fiduciary</i>
1.	25 Shares Common Stock, Kansas Power & Light, Certificate no. 508 . . . . .	\$20 per share	<u>\$500.00</u>

## (BONDS)

<i>Item No.</i>	<i>Serial No.</i>	<i>Date of Purchase</i>	<i>Value at Maturity</i>	<i>Valuation by Fiduciary</i>
United States Savings Bonds				
1.	D83353940H	October 1, 1965 . . . .	<u>\$5,000.00</u>	<u>\$5,000.00</u>
2.	D46253184E	June 1, 1965 . . . . .	<u>\$1,000.00</u>	<u>\$906.80</u>
3.	D46253185E	June 1, 1965 . . . . .	<u>\$1,000.00</u>	<u>\$906.80</u>
Total Schedule "B" . . . . .				<u>\$7,313.60</u>

## SCHEDULE "C"

## MORTGAGES, NOTES and CASH

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary</i>
1.	Balance due on promissory note dated July 1, 1965, signed by Frank Johnston and Mary Johnston, his wife, in the original amount of \$10,000.00, with interest at seven per cent per annum on the unpaid balance . . . . .	<u>\$2,310.00</u>
2.	Cash on person of decedent at time of death . . . . .	<u>\$42.10</u>
3.	Balance in decedent's checking account, The Hometown State Bank, Hometown, Kansas . . . . .	<u>\$1,000.00</u>
4.	Savings Account, The Hometown State Bank, Hometown, Kansas . . . . .	<u>\$1,300.00</u>
Total Schedule "C" . . . . .		<u>\$4,652.10</u>

## SCHEDULE "D"

## INSURANCE

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary</i>
1.	Life Insurance Policy, Policy No. 296011, Long Life Insurance Company, Coral Gables, Florida. Named Beneficiary, Estate . . . . .	<u>\$10,000.00</u>
Total Schedule "D" . . . . .		<u>\$10,000.00</u>

## SCHEDULE "E"

JOINTLY OWNED PROPERTY  
(For Informational Purposes Only)

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary</i>
1.	Certificate of Deposit with the Hometown State Bank, Hometown, Kansas, Certificate No. 5600, in the name of the surviving joint tenant, Mary Doe . . . . .	<u>\$2,500.00</u>
Total Schedule "E" . . . . .		<u>\$2,500.00</u>

## SCHEDULE "F"

## MISCELLANEOUS PROPERTY

<i>Item No.</i>	<i>Description</i>	<i>Valuation by Fiduciary</i>
1.	The furniture, household goods and wearing apparel situated in the home of the decedent at the time of his death . . . . .	<u>\$500.00</u>
2.	One 1969 Model Chevrolet 4-dr. Sedan, Id. No. 1234567890 . . . . .	<u>\$2,750.00</u>
3.	One 1968 Model Ford ½ ton pickup truck, Id. No. 0987654321 . . . . .	<u>\$1,600.00</u>

4. Approximately ten tons of fertilizer .....	\$1,500.00
5. Farm machinery, tools & equipment .....	\$9,000.00
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 .....	\$1,000.00
10. Annual crops, growing .....	\$1,000.00
Total Schedule "F" .....	\$21,250.00

## SCHEDULE "G"

## TRANSFERS

Item No.	Description	Valuation by Fiduciary
	(NONE)	

## RECAPITULATION

	Valuation by Fiduciary	
	Non-probate Assets	Probate Assets
Schedule A Real Estate .....		\$50,000.00
Schedule B Stocks & Bonds .....		\$ 7,313.60
Schedule C Mortgages, Notes & Cash ..		\$ 4,652.10
Schedule D Insurance .....		\$10,000.00
Schedule E Jointly Owned Property ...	\$2,500.00	
Schedule F Miscellaneous Property ....		\$21,250.00
Schedule G Transfers .....	\$	
Total Probate Assets .....		\$93,215.70
Total Non-probate Assets .....	\$2,500.00	
Total Estate .....		\$95,715.70

## AFFIDAVIT OF EXECUTRIX

STATE OF KANSAS

COUNTY OF Apache

} ss:

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

That she is the Executrix of the Estate of John Doe, deceased; that 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 in this proceeding but which is required to be reported for Federal Estate and Kansas Inheritance Tax purposes, which has come into her possession or of which she has knowledge, made and returned by Mary Doe, Executrix of the Estate of John Doe, deceased, as of July 3, 1976, the date of the death of the decedent.

MARY DOE

Executrix

SUBSCRIBED AND SWORN TO before me this 11th day of August, 19 76.

NEVA WRIGHT

Notary Public

My Appointment Expires

January 10, 1978

*Reference:* K.S.A. 59-1201; 59-1202; 59-1203; 59-1206; 59-1207.

*Time:* The Inventory and Valuation shall be made within thirty days after the appointment of the Executor, unless the time is extended by the court.

*Comment:* The Estate of John Doe is not large enough that it will require a Federal Estate Tax Return, Form No. 706. The Kansas Department of Revenue, Inheritance Tax Division, Form No. IH-12, (1968 Revision) asks that either the same information contained in the Federal Form No. 706 schedules, or copies thereof, be furnished to the Kansas Department of Revenue. The Inventory and Valuation has been prepared to correspond with the schedules in the Federal Estate Tax Return, Form No. 706, and the Kansas Inheritance Tax Form IH-12. Copies of schedules may be attached to either form, thus eliminating chances of misdescription and error in preparing separate documents containing the same information.

An Inventory and Valuation is necessary in every estate. An appraisement is necessary only if a person having an interest in the estate requests an independent appraisement.

If an appraisement is requested by a person having an interest in the estate, see the following forms:

<i>Form No.</i>	<i>Title</i>
210	Report of Appointment and Petition for Approval of Appraiser(s)
211	Order for Hearing
212	Notice of Hearing
213	Affidavit of Service
214	Order Approving Appointed Appraiser(s)
215	Independent Appraisement, Certificate of Appraiser(s), Order Allowing Appraiser(s) Fees and Expenses

(138)

(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 being fully advised of my rights under the law and under the Will.

IN WITNESS WHEREOF, I have subscribed my name this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

STATE OF KANSAS

COUNTY OF \_\_\_\_\_

} ss:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, by \_\_\_\_\_

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

(SEAL)

My Appointment Expires:

---

*Reference:* K.S.A. 59-603; 59-2233; 59-2233a; 59-2234.

*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.

---

(139)

### ALLOWANCE OF DEMAND

The forms relating to Allowance of Demand are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 721 to 725 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
721	Petition for Allowance and Classification of Demand
722	Order for Hearing
723	Notice of Hearing
724	Affidavit of Service
725	Order Allowing and Classifying Demand

---

(140)

### STATUTORY ALLOWANCES

The forms relating to Statutory Allowances are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 731 to 736 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
731	Petition for Statutory Allowance
732	Order for Hearing
733	Notice of Hearing
734	Affidavit of Service
735	Order for Statutory Allowance
736	Receipt

---

(141)

### 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 741 to 745 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
741	Petition to Set Apart Homestead
742	Order for Hearing
743	Notice of Hearing
744	Affidavit of Service
745	Order Setting Apart Homestead

---

(142)

## 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 801 to 806 and 811 to 818 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
	(Private Sale)
801	Petition for Sale of Personal Property at Private Sale
802	Order for Hearing
803	Notice of Hearing
804	Affidavit of Service
805	Order for Sale of Personal Property at Private Sale
806	Report of Sale of Personal Property at Private Sale
	(Public Auction)
811	Petition for Sale of Personal Property at Public Auction
812	Order for Hearing
813	Notice of Hearing
814	Affidavit of Service
815	Order for Sale of Personal Property at Public Auction
816	Notice of Sale
817	Affidavit of Publication
818	Report of Sale of Personal Property at Public Auction

(143)

## SALE OF REAL ESTATE

The forms relating to the Sale of Real Estate at Public Auction are numbered 821 to 834. The forms relating to Sale of Real Estate at Private Sale are numbered 841 to 857. The forms relating to Sale of Real Estate at Private Sale (with confirmation included in order for sale) are numbered 861 to 874.

For a list setting forth the form, title and number, see the Table of Forms at the beginning of the book.

(144)

(CAPTION)

## PETITION FOR FINAL SETTLEMENT

COMES NOW Mary Doe and alleges:

1. That she is a resident of Apache County, Kansas and her address is Route 1, Hometown, Kansas 66648.

2. That she is the duly appointed, qualified and acting Executrix of the Estate of John Doe, deceased, by virtue of Letters Testamentary granted to her by the Court on August 4th, 19 76, that more than nine months have expired since the date of death of the decedent; that more than six months have expired since the first published notice to creditors and the Estate has been fully administered.

3. That John Doe died testate at Hometown, Kansas, on the 3rd day of July, 19 76; that he left a Will dated April 15, 1976, which was duly admitted to probate and record in this court the 4th day of August, 19 76; that no appeal has been taken from the Order Admitting the Will to Probate and the time for such

appeal has expired, and that no later Will has been offered for probate and the time therefore has expired.

4. That John Doe was survived by the following named persons who, so far as known or can with reasonable diligence be ascertained, are all of his heirs:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Residence and Address</i>
<u>Mary Doe</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 1, Hometown, Kansas 66648</u>
<u>Theodore R. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>1220 Main Street, Metropolis, Kansas 66625</u>
<u>Robert E. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>Serial No. 82927336, APO New York, N.Y. 10026, whose permanent residence is P. O. Box 238, Kaw City, Kansas 66600</u>
<u>Thomas A. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>Crossroads, Arizona 70108</u>
<u>Mary Ann Jones</u>	<u>16 yrs.</u>	<u>Granddaughter</u>	<u>Dry Creek, Colorado 66875</u>

5. That the decedent had no spouse or children or adopted children or issue of deceased children, natural or adopted, or other heirs who survived him, other than the persons above named.

6. That the names, ages, relationships, residences and addresses of the devisees and legatees under the Will 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 and Address</i>
<u>Mary Doe</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 1, Hometown, Kansas 66648</u>
<u>Theodore R. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>1220 Main Street, Metropolis, Kansas 66625</u>
<u>Robert E. Doe</u>	<u>Adult</u>	<u>Son</u>	<u>Serial No. 82927336, APO New York, N.Y. 10026, whose permanent residence is P. O. Box 238, Kaw City, Kansas 66600</u>
<u>Mary Ann Jones</u>	<u>16 yrs.</u>	<u>Granddaughter</u>	<u>Dry Creek, Colorado 66875</u>
<u>Henry H. Doe</u>	<u>6 yrs.</u>	<u>Grandson</u>	<u>Crossroads, Arizona 70108</u>

(Son of Thomas A. Doe)

<u>The Hometown</u>	<u>Trustee designated in decedent's Will</u>	<u>Hometown, Kansas 66648</u>
<u>State Bank</u>		
<u>The Peoples Church</u>	<u>Designated Legatee</u>	<u>Hometown, Kansas 66648</u>

7. That the names and addresses of the duly appointed legal representatives of the heirs, devisees and legatees above named are:

<i>Name</i>	<i>Representative Capacity</i>	<i>Address</i>
<u>M. R. Docket</u>	<u>Guardian ad litem for Mary Ann Jones and Henry H. Doe, minors</u>	<u>Metropolis, Kansas 66624</u>
<u>U. B. Brief</u>	<u>Attorney for Robert E. Doe, a service man under the purview of the Soldiers' and Sailors' Civil Relief Act</u>	<u>Metropolis, Kansas 66625</u>

8. That the decedent's spouse, Mary Doe, consented in writing to the Last Will and Testament of the decedent, as determined by this Court in its Order admitting decedent's Will to probate

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

- (a) The Northeast quarter of Section 26, Township 20, South, Range 30, West of the 6th P.M., containing 160 acres, more or less, and
- (b) The Northeast quarter of the Northeast quarter of Section 10, Township 20, South, Range 30, West of the 6th P.M., containing 40 acres, more or less, together with all improvements thereon.

which is a part of the residue of the Estate.

10. That a full, true and correct account by the Petitioner of the administration of the Estate is attached hereto, marked "Exhibit A" and made a part thereof.

11. That all taxes imposed by the state of Kansas and by the United States 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.

12. That the Petitioner has waived compensation for her services as Executrix and that she has employed Pleader, Pleader & Tryor as her attorneys; that U. B. Brief has been appointed as required by the Soldiers' and Sailors' Civil Relief Act; that M. R. Docket has been appointed Guardian ad litem for minors herein ; that these attorneys and the Guardian ad litem have performed valuable services in this Estate and that allowances should be made for their services and their expenses as follows:

(a) To the Executrix for her attorneys' fees in the sum of \$\_\_\_\_\_, and their expenses in the sum of \$\_\_\_\_\_.

(b) To U. B. Brief in the sum of \$\_\_\_\_\_.

(c) To M. R. Docket in the sum of \$\_\_\_\_\_.

13. That the Last Will and Testament of the decedent should be construed to distribute the Estate as follows:

(a) Specific bequest of \$10,000 to the Hometown State Bank, Hometown, Kansas, in trust for the benefit of Henry H. Doe

(b) Specific bequest of the stamp collection to Mary Ann Jones.

(c) Specific bequest of \$10,000 to Mary Ann Jones.

(d) Specific bequest of \$10,000 to Robert E. Doe.

(e) Specific bequest of \$10,000 to Theodore R. Doe.

(f) Specific bequest of \$5,000 to the Peoples Church of Hometown, Kansas.

(g) Residue of the Estate to Mary Doe.

WHEREFORE, Petitioner prays that her acts be approved; that her account be settled and allowed; that the heirs be determined; that the Will be construed and the Estate be assigned to the persons entitled thereto; that the court find that the allowances requested for attorneys and Guardian ad litem fees and expenses are reasonable and should be allowed; that the court costs be determined and ordered paid; that the administration of the Estate be closed; that upon the filing of receipts the Petitioner be finally discharged as the Executrix of the Estate of John Doe, deceased, and that she [and the surety on her bond] be released from further liability.

Mary Doe

Petitioner

(VERIFICATION)

(See Form No. 103 for verification)

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

EXHIBIT "A"

Account of Mary Doe, Executrix of the Estate of John Doe, Deceased August 4,  
1976—April 4, 1977

## RECEIPTS

<i>Date</i>	<i>Received From</i>	<i>Explanation</i>	<i>Amount</i>
8- 5-76	Theodore R. Doe Special Administrator	Balance on hand. . . . .	\$17,172.90
8- 5-76	Frank Johnston	Balance due on Promissory Note . . . . .	\$ 2,310.00
8- 5-76	Hometown State Bank Hometown, Kansas	Checking Account . . . . .	\$ 1,042.10
8- 5-76	Hometown State Bank Hometown, Kansas	Savings Account. . . . .	\$ 1,300.00
8- 5-76	Hometown State Bank Hometown, Kansas	Certificate of Deposit . . . .	\$ 5,000.00
10-12-76	Z. Z. Smith Metropolis, Kansas	Sale of Ford Pickup. . . . .	\$ 1,600.00
10-12-76	U. R. Farmer Hometown, Kansas	Sale of Farm Machinery, Tools & equipment . . . . .	\$11,500.00
10-12-76	M. A. Merchant Metropolis, Kansas	Sale of Furniture, Fixtures & inventory of Re- tail Prod. Business . . . . .	\$ 1,700.00
10-12-76	Hometown State Bank Hometown, Kansas	Redemption of U.S. Savings Bonds . . . . .	\$ 7,000.00
10-12-76	Hometown Elevator Co. Hometown, Kansas	Sale of 1000 Bushel of Wheat. . . . .	\$ 2,000.00
10-12-76	L. S. Deed	Sale of Land. . . . .	\$15,000.00
10-12-76	Long Life Ins. Co.	Policy No. 296011 . . . . .	\$10,000.00
Total Receipts . . . . .			\$75,625.00

## DISBURSEMENTS

<i>Date</i>	<i>Paid to</i>	<i>Purpose</i>	<i>Amount</i>
8- 5-76	F. F. Hatfield	Commissioner Fees . . . . .	\$ 25.00
8- 5-76	G. O. Back	Witness Fee and Mileage . .	\$ 16.00
8-16-76	R. E. Dealer Hometown, Kansas	Appraiser Fee & Mileage . .	\$ 15.00
8-16-76	A. G. Broker Hometown, Kansas	Appraiser Fee & Mileage . .	\$ 15.00
8-16-76	S. N. Neighbor	Appraiser Fee & Mileage . .	\$ 15.00
9- 2-76	Mary Doe Hometown, Kansas	Widow's Allowance . . . . .	\$ 7,000.00
9- 3-76	Hometown Gen. Hosp. Hometown, Kansas	Hospital Bill. . . . .	\$ 1,500.00
9- 3-76	A-1 Garage Hometown, Kansas	Repair Bill . . . . .	\$ 92.00
9- 3-76	Ritz Mortuary Hometown, Kansas	Funeral Expenses. . . . .	\$ 3,000.00
9- 3-76	Ace Monument Co.	Grave Monument (As directed by the Will) . . . .	\$ 1,500.00
Total Disbursements . . . . .			\$13,178.00

## RECAPITULATION

Total Cash Receipts . . . . .	<u>\$75,625.00</u>
Total Cash Disbursements . . . . .	<u>\$13,178.00</u>
Cash Balance on Hand . . . . .	<u>\$62,447.00</u>

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, Executrix of the Estate of John Doe, deceased.

Including the cash balance belonging to the Estate of \$62,447.00, the Executrix accounts for the following items of personal property belonging to the Estate of the decedent as follows:

- (a) Cash Balance \$62,447.00.
- (b) Personal Property in her custody; Stamp collection with an approximate value of One Thousand (\$1,000) Dollars.
- (c) Personal Property previously distributed; Pursuant to "Order for Statutory Allowance," dated September 2, 1976, furniture, household goods, wearing apparel, one automobile (1969 Model Chevrolet 4-dr. Sedan, Id. No. 1234567890) and 25 Shares Common Stock, Kansas Power & Light Certificate No. 508 at \$20 per share were delivered to Mary Doe.

*Reference:* K.S.A. 59-703; 59-1401; 59-1502; 59-2204; 59-2247; 79-303; 79-1522; 79-2903; 79-3112; 79-3220 (d); Internal Revenue Code Section 2002 and Internal Revenue Code Section 641 (b).

*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, 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. 122, 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 Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act, must be filed. See generally Form No. 121 and 127.

Notice must also be given to all conservators, if any.

(145)

(CAPTION)

## ORDER FOR HEARING

Now on this 5th day of April, 19 77, the Court finds that the Petition for Final Settlement filed by Mary Doe, should be heard on the 4th day of May, 19 77, at ten o'clock A.M. in this Court and that notice of the time and place of hearing be given pursuant to K.S.A. 59-2209.

A. L. Mann

*Judge*

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-2209; 59-2247.

*Time:* When the Petition is filed. 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 14 days after the last publication of Notice.

*Comment:* Notice by publication is required by K.S.A. 59-2247.

(146)

First published in the Metropolis Herald, Monday, the 10th day of April,  
19 77.

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 Executrix of the Estate of John Doe, deceased, praying that her acts be approved; that her account be settled and allowed, that the Will be construed and the Estate be assigned to the persons entitled thereto; that fees and expenses be allowed; that the costs be determined and ordered paid; that the administration of the Estate be closed; that the Executrix be discharged and that she [and the surety on her bond] be released from further liability.

You are required to file your written defenses thereto on or before the 4th day of May, 19 77, at ten o'clock A.M. of said day, in said Court, in the City of Metropolis, in Apache County, Kansas, at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the Petition.

MARY DOE

**EXECUTRIX**

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Fridays , commencing the 10th day of April , 19 77 . Immediately after the first publication, please forward \_\_\_\_ copies of the above and foregoing Notice to: Pleaser, Pleaser & 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. 59-2208; 59-2209; 59-2210; 59-2247.

*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.

---

(147)

**Affidavit of Service**

See Form No. 106, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(148)

**Affidavit of Publication**

See Form No. 107, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(149)

**Written Defenses of Guardian Ad Litem**

See Form 121, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(150)

**Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act**

See Form 122, as to: (1) Form,  
(2) Reference, and  
(3) Comment.

---

(151)

Written Defenses of Attorney Representing Interests of Serviceman Pursuant to  
Soldiers' and Sailors' Civil Relief Act

See Form No. 127, as to: (1) Form, and  
(2) Time.

(152)

(CAPTION)

Journal Entry of Final Settlement

Now on this 4th day of May, 19 77, comes on for hearing the Petition for Final Settlement filed by Mary Doe, Executrix of the Estate of John Doe, deceased.

The Petitioner appears in person and by her attorneys Pleader, Pleader & Tryor, Robert E. Doe, a serviceman as defined by the Soldiers' and Sailors' Civil Relief Act, appears by his attorney U. B. Brief, Mary Ann Jones and Henry H. Doe, minors, appear by their Guardian ad litem M. R. Docket, Theodore R. Doe. Appears in person. The Hometown State Bank appears by its Trust Officer D. O. Cash, The Peoples Church appears by its attorney I. M. Good. 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. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, devisees and legatees.

2. That notice of this hearing has been 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. That the allegations of the Petition are true.

4. That 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. That all taxes imposed by the State of Kansas and by the United States have been paid; that 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. That the decedent's spouse, Mary Doe, consented in writing to the Last Will and Testament of the decedent.

7. That the decedent owned at the time of his death the following described real estate situated in Apache County, Kansas

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, and  
The Northeast quarter of the Northeast quarter of Section 10, Township 20, South, Range 30, West of the 6th P.M., containing 40 acres, more or less, together with all improvements thereon;  
which is a part of the residue of the Estate.

8. That the Petitioner has filed herein a full and complete accounting of her receipts and disbursements as Executrix which is summarized as follows:

Receipts . . . . .	\$75,625.00
Disbursements . . . . .	\$13,178.00
Balance Cash on Hand. . . . .	\$62,447.00

That the Petitioner, since filing her Petition for Final Settlement, has received the following:

Rent .....	\$50.00	
K.P.&L. Refund.....	\$20.00	
Telephone Refund .....	\$ 6.00	
<b>TOTAL</b> .....		\$ 76.00

and made the following disbursements:

Lawn Care .....	\$ 8.00	
Trash Hauling .....	\$12.00	
Gas Bill .....	\$ 9.00	
Advance Payment of State Intangibles Tax .....	\$26.00	
<b>TOTAL</b> .....		\$ 55.00

leaving a cash balance on hand of ..... \$62,468.00

9. That the account attached to the Petition and the supplemental account should be settled and allowed and all of the acts and proceedings of the Executrix have been in accordance with the law and the orders of this Court and are approved.

10. That John Doe was survived by the following named persons who are all of his heirs:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>
<u>Mary Doe</u>	<u>Adult</u>	<u>Wife</u>
<u>Theodore R. Doe</u>	<u>Adult</u>	<u>Son</u>
<u>Robert E. Doe</u>	<u>Adult</u>	<u>Son</u>
<u>Thomas A. Doe</u>	<u>Adult</u>	<u>Son</u>
<u>Mary Ann Jones</u>	<u>16 yrs.</u>	<u>Granddaughter</u>

(Minor above named is child of Mary Doe Jones, prior deceased daughter of decedent herein)

11. That the names, ages and relationships of the devisees and legatees of the decedent who are entitled to the Estate under the provisions of the decedent's Last Will and Testament are:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>
<u>Mary Doe</u>	<u>Adult</u>	<u>Wife</u>
<u>Theodore R. Doe</u>	<u>Adult</u>	<u>Son</u>
<u>Robert E. Doe</u>	<u>Adult</u>	<u>Son</u>
<u>Henry H. Doe</u>	<u>6 yrs.</u>	<u>Grandson</u>

(Son of Thomas A. Doe)

<u>Mary Ann Jones</u>	<u>16 yrs</u>	<u>Granddaughter</u>
-----------------------	---------------	----------------------

<u>The Hometown State Bank</u>	<u>Trustee designated in</u> <u>Decedent's Will</u>
--------------------------------	--

<u>The Peoples Church</u>	<u>Designated Legatee</u>
---------------------------	---------------------------

12. That the decedent's Last Will and Testament is construed to distribute the Estate as follows:

- Specific bequest of \$10,000 to the Hometown State Bank, Hometown, Kansas, in Trust, for the benefit of Henry H. Doe.
- Specific bequest of the stamp collection, to Mary Ann Jones.
- Specific bequest of \$10,000 to Mary Ann Jones.
- Specific bequest of \$10,000 to Robert E. Doe.
- Specific bequest of \$10,000 to Theodore R. Doe.
- Specific bequest of \$5,000, to the Peoples Church of Hometown, Kansas.
- Residue of the Estate to Mary Doe.

13. That Mary Doe has waived compensation for her services as Executrix ; that she has employed Pleader, Pleader & Tryor as her attorneys in this Estate; that M. R. Docket was appointed Guardian ad litem for Mary Ann Jones and Henry H. Doe , minors ; that U. B. Brief was appointed attorney to represent the interests of Robert E. Doe , a serviceman, pursuant to the Soldiers' and Sailors' Civil Relief Act; that there are other costs due this Court; that the following fees, expenses and costs are reasonable and should be paid:

- (a) To the Executrix for her attorneys' fees in the sum of \$\_\_\_\_\_, and their expenses in the sum of \$\_\_\_\_\_.
- (b) To U. B. Brief in the sum of \$\_\_\_\_\_.
- (c) To M. R. Docket in the sum of \$\_\_\_\_\_.
- (d) To the Court for costs in the sum of \$\_\_\_\_\_. IT IS THEREFORE BY THE

COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

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

(B) That the accounts of Mary Doe , Executrix of the Estate of John Doe , deceased, are settled and allowed and all of her acts and proceedings are approved and she is authorized and directed to pay the fees, expenses and costs set out in paragraph 12 above.

(C) That after the payment of fees, expenses and costs the assets remaining in the hands of the Executrix , and all other real and personal property owned by the decedent at the time of his 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) \$10,000 to the Hometown State Bank, Hometown, Kansas, in trust for the benefit of Henry H. Doe.
- (2) \$10,000 to Mary Ann Jones.
- (3) Stamp Collection to Mary Ann Jones.
- (4) \$10,000 to Robert E. Doe.
- (5) \$10,000 to Theodore R. Doe.
- (6) \$5,000 to the Peoples Church of Hometown, Kansas.
- (7) Residue to Mary Doe including:

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

- (a) 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, subject to homestead rights of Mary Doe, pursuant to Order of this Court dated September 1, 1976.

The Northeast quarter of the Northeast quarter of Section 10, Township 20, South, Range 30, West of the 6th P.M., containing 40 acres, more or less, together with all improvements thereon.

- (b) All other property, real and personal, owned by the decedent at the time of his death.

(D) That the real estate hereinbefore described as assigned as of the date of death of the decedent. The Executrix is directed to distribute the personal property forthwith.

(E) That upon the filing of proper receipts, the administration of the Estate shall be closed, Mary Doe shall be finally discharged as Executrix of the Estate of John Doe , deceased, and she [and the surety on her bond] shall be released from further liability.

A. L. Mann

*Judge*

(SEAL)

APPROVED:

PLEADER, PLEADER &amp; TRYOR

By W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913-555-0000

Attorneys for Petitioner

U. B. BRIEF

U. B. Brief

Metropolis, Kansas 66625

Telephone 913-555-1111

Attorney for Robert E. Doe

M. R. DOCKET

M. R. Docket

Metropolis, Kansas 66624

Telephone 913-555-2222

Guardian ad litem for Mary Ann

Jones and Henry H. Doe, minors

I. M. GOOD

I. M. Good

Hometown, Kansas 66648

Telephone 913-555-3333

Attorney for The Peoples Church

D. O. CASH

D. O. Cash

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913-555-4444

*Reference:* K.S.A. 59-2249.

*Time:* The Journal Entry of Final Settlement shall not be entered sooner than nine months after the date of death of the decedent and not sooner than six months after the first publication of the Notice of Appointment, whichever is later.

*Comment:* No decree shall be entered until after the determination and payment of inheritance tax, if any.

No decree should be entered until after the determination and payment of federal estate tax, if any.

(153)

(CAPTION)

**Receipt**

Received of Mary Doe, Executrix of the Estate of John Doe, deceased, \$10,000 in full satisfaction of my distributive share of said Estate as per the Journal Entry of Final Settlement.

Dated this 4th day of May, 1977.

Theodore R. Doe

*Reference:* K.S.A. 59-1718.

*Time:* After the Journal Entry of Final Settlement.

*Comment:* Similar receipts should be procured from all distributees.

(154)

(CAPTION)

**Journal Entry of Final Discharge**

Now on this 4th day of May , 19 77 , comes Mary Doe , Executrix of the Estate of John Doe , deceased, and files her receipts showing that she fully complied with the Journal Entry of Final Settlement entered herein and the Court finds that she should be finally discharged.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that Mary Doe be and she is hereby finally discharged as Executrix of the Estate of John Doe , deceased, and she [and the surety on her bond] is [are] hereby released from any and all further liability.

A. L. MANN

*Judge*

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Executrix

*Reference:* K.S.A. 59-1718.

*Time:* Whenever the receipts are filed and all orders of the Court have been complied with in all respects.

## INTESTATE ADMINISTRATION

Petition for Issuance of Letters of Administration . . . . .	201
Notice in Intestate Proceedings . . . . .	202
Proceedings for Appointment of Guardian Ad Litem . . . . .	203
Proceedings Under Soldiers' & Sailors' Civil Relief Act . . . . .	204
Order Appointing Administrator . . . . .	205
Oath of Administrator . . . . .	206
Bond of Administrator . . . . .	207
Letters of Administration . . . . .	208
Inventory and Valuation . . . . .	209
Report of Appointment and Petition for Approval of Appraiser(s) . . . . .	210
Order for Hearing . . . . .	211
Notice of Hearing . . . . .	212
Affidavit of Service . . . . .	213
Order Approving Appointed Appraiser(s) . . . . .	214
Independent Appraisement, Certificate of Appraisers, Order Allowing Appraisers' Fees and Expenses . . . . .	215
Allowance of Demand . . . . .	216
Statutory Allowance . . . . .	217
Setting Apart Homestead . . . . .	218
Sale of Personal Property . . . . .	219
Sale of Real Estate . . . . .	220
Petition for Final Settlement . . . . .	221
Order for Hearing . . . . .	222
Notice of Hearing . . . . .	223
Affidavit of Service . . . . .	224
Affidavit of Publication . . . . .	225
Written Defenses of Guardian Ad Litem . . . . .	226
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act . . . . .	227
Written Defenses of Attorney Representing Interest of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act . . . . .	228
Journal Entry of Final Settlement . . . . .	229
Receipt . . . . .	230
Journal Entry of Final Discharge . . . . .	231

---

(201)

In the District Court of Apache County, Kansas

In the Matter of the Estate of

}

No. 5000RICHARD ROE , Deceased

(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

## Petition for Issuance of Letters of Administration

COMES NOW Jane Roe and alleges:1. That she is a resident of Apache County, Kansas, and her address is Route 1, Hometown, Kansas 66648 .2. That the Petitioner has an interest in decedent's Estate as the widow and one of the heirs of Richard Roe , deceased.3. That Richard Roe died intestate at Hometown, Kansas , on the 3rd day of July , 19 76 ; that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States.

4. That 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 and Address</i>
<u>Jane Roe</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 1, Hometown, Kansas 66648</u>
<u>Susan R. Brown</u>	<u>Adult</u>	<u>Daughter</u>	<u>Dry Creek, Colorado 79100</u>
<u>George J. Roe</u>	<u>Adult</u>	<u>Son</u>	<u>Dry Creek, Colorado 79100</u>
<u>Harry J. Roe</u>	<u>Adult</u>	<u>Son</u>	<u>1220 Main Street, Metropolis, Kansas 66650</u>

5. That 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:

<i>Name</i>	<i>Representative Capacity</i>	<i>Address</i>
	(NONE)	

6. That so far as known or can with reasonable diligence be ascertained the decedent had no spouse or children or adopted children or issue of deceased children, natural or adopted, or other heirs who survived him, other than the persons above named.

7. That administration is not sought under the Kansas Simplified Estates Act.

8. That the general character and probable value of decedent's Estate are: Real Estate of the estimated value of \$50,000 with probable annual income of \$5,000 . Personal property of the estimated value of \$50,000 .9. That the appointment of an Administrator is necessary for the collection, conservation and administration of the Estate; that 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 Petition prays that 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  
 Hometown, Kansas 66648  
 Telephone 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; 59-705; 59-706; 59-1101; 59-2103; 59-2201; 59-2202; 59-2203; 59-2204; 59-2219; 59-2221; 59-2223; 59-2239.

*Time:* Any time after death, except in the case of a creditor's Petition.

*Comment:* The Petitioner should recite the names, ages, relationships and addresses of all heirs, irrespective of their entitlement to benefits, so far as known or with reasonable diligence can be ascertained.

If the Petitioner is a corporation, see Form No. 721 for a form of corporate verification.

(202)

## NOTICE IN INTESTATE PROCEEDINGS

If notice to heirs is to be published see the following forms:

<i>Form No.</i>	<i>Title</i>
104	Order for Hearing & Notice to Creditors
105	Notice of Hearing & Notice to Creditors
106	Affidavit of Publication
107	Affidavit of Service

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>
108	Order for Hearing and For Notice to Creditors
109	Notice of Hearing
110	Affidavit of Service
111	Notice to Creditors
112	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>
113	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
114	Order for Hearing and for Notice to Creditors
115	Notice to Creditors
116	Affidavit of Publication

(203)

**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>
117	Petition for Appointment of Guardian Ad Litem
118	Order for Hearing
119	Order Appointing Guardian Ad Litem
120	Voluntary Entry of Appearance and Waiver of Notice [and Bond]
121	Written Defenses of Guardian Ad Litem

---

(204)

**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 122 to 127 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
122	Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act
123	Petition for Appointment of Attorney Pursuant to Soldiers' & Sailors' Civil Relief Act or Petition for Appointment of Attorney to Represent Unknown Persons in Service Pursuant to Soldiers' and Sailors' Civil Relief Act
124	Order for Hearing
125	Order Appointing Attorney to Represent Interests of Serviceman Pursuant to Soldiers' & Sailors' Civil Relief Act
126	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
127	Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act

---

(205)

(CAPTION)

**Order Appointing Administrator**

Now on this 15<sup>th</sup> day of July, 19 76, comes on for hearing the Petition for Issuance of Letters of Administration filed herein by Jane Roe.

The Petitioner appears in person and by her 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. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs.

2. That 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. That the allegations of the Petition are true.

4. That 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. That Richard Roe died intestate at Hometown, Kansas, on the 3rd day of July, 19 76; that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States, leaving an Estate to be administered herein.

6. That 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. That administration is not sought under the Kansas Simplified Estates Act.

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

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

(B) That Harry J. Roe be and he is appointed Administrator, of the Estate of Richard Roe, deceased, and that upon the filing of his oath and bond in the amount of \$60,000.00, Letters of Administration be granted to him.

[Note: If bond is excused for any reason set forth in K.S.A. 59-1104, recite that reason in this paragraph.]

A. L. MANN

*Judge*

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-705; 59-1101; 59-1104; 59-2232.

*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 waived pursuant to K.S.A. 59-1104, this form should be modified to so reflect.

Although a non-resident fiduciary is possible in a testate situation it is not possible in an intestate situation.

(206)

(CAPTION)

Oath of Administrator

STATE OF KANSAS

} SS:

COUNTY OF APACHE

I, Harry J. Roe, do solemnly swear that 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, 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.

HARRY J. ROE

SUBSCRIBED AND SWORN TO before me this 20th day of July, 19 76.

A. L. MANN

*Judge*

(SEAL)

*Reference:* K.S.A. 59-1702; 59-2232.

*Time:* The Oath must be filed before Letters of Administration can be granted.

*Comment:* The Oath should conform to the statutory requirements.

(207)

(CAPTION)

**Bond of Administrator**

KNOW ALL MEN BY THESE PRESENTS:

That we, Harry J. Roe as principal and Ace Bonding Company, Inc. as surety, are held and firmly bound unto the State of Kansas in the sum of \$60,000 to the payment of which, well and truly to be made, we bind ourselves, our executors, administrators and successors firmly by these presents.

The condition of the above obligation is such that whereas the above bounden Harry J. Roe has been duly appointed, by the District Court of Apache- County, Kansas, Administrator of the Estate of Richard Roe, deceased.

Now if Harry J. Roe, the said Administrator, shall faithfully discharge all the duties of his trust according to law, then this obligation shall be void; otherwise it shall remain in full force and effect.

Dated, signed and sealed by us, this 20th day of July, 19 76.

HARRY J. ROE

Principal

Ace Bonding Co., Inc.

By: N. M. Hanna, Attorney in Fact

Surety

(Attach copy of N. M. Hanna's Power of Attorney)

The above Bond taken and approved by me, this 20th day of July, 19 76.

A. L. MANN

*Judge*

(SEAL)

*Reference:* K.S.A. 59-1101; 59-1102; 59-1104; 59-2232.

*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 No. 705 in the Special Administration Series.

---

(208)

(CAPTION)

**Letters of Administration**

KNOW ALL MEN BY THESE PRESENTS:

That 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 said Estate, with full power and authority as provided by law.

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 said county and state, this 20th day of July, 19 76.

A. L. MANN*Judge*

(SEAL)

PLEADER, PLEADER &amp; TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913-555-0000

Attorneys for Administrator

*Reference:* K.S.A. 59-2232.

*Time:* The Letters of Administration shall be granted as soon as the Oath and Bond are approved and filed.

---

(209)

**Inventory & Valuation**

See Form No. 137, as to:

- (1) Form,
- (2) Reference,
- (3) Time, and
- (4) Comment.

---

(210)

(CAPTION)

**Report of Appointment and Petition for  
Approval of Appraiser(s)**COMES NOW Harry J. Roe, and alleges:

1. That he is a resident of Apache County, Kansas, and his address is 1220 Main Street, Metropolis, Kansas 66625.

2. That he is the duly appointed, qualified and acting Administrator of the Estate of Richard Roe, deceased, by virtue of Letters of Administration granted to him by the Court on August 20, 1976.

3. That on September 30, 19 76, George J. Roe a person having an interest in this Estate requested an independent appraisalment of the Estate of Richard Roe, deceased.

4. Pursuant to the request and by the authority of K.S.A. 59-1202, I appoint R. E. Dealer, A. G. Broker and S. N. Neighbor appraiser(s) to appraise each item contained in the inventory.

5. That the appointed appraiser(s) should be approved.

WHEREFORE, Petitioner prays that the appointed appraiser(s) be approved.

HARRY J. ROE

*Petitioner*

(VERIFICATION)

(See Form No. 103 for Verification)

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-1202.

*Time:* Upon request by party with an interest in the Estate.

*Comment:* One or more, but not to exceed three, appraisers shall be appointed.

(211)

(CAPTION)

**Order for Hearing**

Now on this 30th day of September, 19 76, the Court finds that the Petition for Approval of Appraisers should be heard on the 20th day of October, 19 76, at ten o'clock A.M. in this Court; that notice of the time and place of hearing be given by mail, to all parties interested, at least 15 days prior to the hearing.

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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-1202.

*Time:* When the Report and Petition is filed.

*Comment:* The Petition must be set for hearing, but may be heard immediately unless the Court requires notice.

For order for forthwith hearing see Form 118.

---

(212)

### Notice of Hearing

See Form No. 109 as to Form.

---

*Reference:* K.S.A. 59-1202.

*Time:* Prior to hearing, as directed by the Court.

---

(213)

### Affidavit of Service

See Form No. 110, as to Form.

*Reference:* K.S.A. 59-1202; 59-2208; 59-2211.

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

*Comment:* If the Court orders another type of service the affidavit shall so reflect.

---

(214)

(CAPTION)

### Order Approving Appointed Appraiser(s)

Now on this 20th day of October, 19 76, comes on for hearing the Petition for Approval of Appraiser(s).

Petitioner appears by his attorneys Pleader, Pleader & Tryor, George 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. That notice of this hearing has been given as required by law and the order of this Court and that proof thereof has been duly filed herein and is hereby approved.

2. That the allegations of the Petition are true.

3. That George J. Roe, a person having an interest in this Estate, has requested an independent appraisalment.

4. That pursuant to said request Harry J. Roe appointed R. E. Dealer, A. G. Broker and S. N. Neighbor to appraise said Estate.

5. That 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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of this Court.

(B) That R. E. Dealer, A. G. Broker and S. N. Neighbor be and hereby 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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-1202.

*Time:* After the hearing.

(215)

(CAPTION)

### Independent Appraisement

Independent appraisement of all property reported on Inventory and Valuation made and filed by Harry J. Roe, Administrator of The Estate of Richard Roe, deceased, as of July 3, 1976, the date of the death of the decedent.

#### Schedule "A"

#### Real Estate

<i>Item No.</i>	<i>Description</i>	<i>Appraised Value at Date of Death</i>
1.	The residence of the decedent located on the Northeastquarter of Section 26, Township 20, South, Range 30, West of the 6th P.M., containing 160 acres, more or less, Apache County, Kansas . . . . .	<u>\$35,000.00</u>
2.	The Northeastquarter of the Northeastquarter of Section 10, Township 20, South, Range 30, West of the 6th P.M., Apache County, Kansas, containing 40 acres, more or less, together with all improvementssituated thereon. . . . .	<u>\$15,000.00</u>
Total Schedule "A" . . . . .		<u>\$50,000.00</u>

#### Schedule "B"

#### Stocks and Bonds

(Corporate Stock)

<i>Item No.</i>	<i>Description</i>	<i>Unit Value</i>	<i>Appraised Value at Date of Death</i>
1.	25 shares common stock, \$20 per share Kansas Power & Light, Certificate No. 508 . . .	<u>\$500.00</u>	<u>\$500.00</u>

## (Bonds)

<i>Item No.</i>	<i>Serial No.</i>	<i>Date of Purchase</i>	<i>Value at Maturity</i>	<i>Appraised Value at Date of Death</i>
United States Savings Bonds				
1.	D83353940H	October 1, 1965	<u>\$5,000.00</u>	<u>\$5,000.00</u>
2.	D46253184E	June 1, 1965	<u>\$1,000.00</u>	<u>\$906.80</u>
3.	D46253185E	June 1, 1965	<u>\$1,000.00</u>	<u>\$906.80</u>
Total Schedule "B" . . . . .				<u>\$7,313.60</u>

## Schedule "C"

## Mortgages, Notes and Cash

<i>Item No.</i>	<i>Description</i>	<i>Appraised Value at Date of Death</i>
1.	Balance due on Promissory Note dated July 1, 1965, signed by Frank Johnston and Mary Johnston, his wife, in the original amount of \$10,000, with interest at seven percent per annum on the unpaid balance . . . . .	<u>\$2,310.00</u>
2.	Cash on person of decedent at time of death . . . . .	<u>\$42.10</u>
3.	Balance in decedent's checking account, The Hometown State Bank, Hometown, Kansas. . . . .	<u>\$1,000.00</u>
4.	Savings Account, The Hometown State Bank, Hometown, Kansas . . . . .	<u>\$1,300.00</u>
Total Schedule "C" . . . . .		<u>\$4,652.10</u>

## Schedule "D"

## Insurance

<i>Item No.</i>	<i>Description</i>	<i>Appraised Value at Date of Death</i>
1.	Life Insurance Policy, Policy No. 296011, Long Life Insurance Company, Coral Gables, Florida. Named Beneficiary, Estate . . . . .	<u>\$10,000.00</u>
Total Schedule "D" . . . . .		<u>\$10,000.00</u>

## Schedule "E"

## Jointly Owned Property

(For Informational Purposes Only)

<i>Item No.</i>	<i>Description</i>	<i>Appraised Value at Date of Death</i>
1.	Certificate of Deposit with The Hometown State Bank, Hometown, Kansas, Certificate No. 5600, in the name of the surviving joint tenant, Mary Doe . . . . .	<u>\$2,500.00</u>
Total Schedule "E" . . . . .		<u>\$2,500.00</u>

## Schedule "F"

## Miscellaneous Property

Item No.	Description	Appraised Value at date of death
1.	The furniture, household goods and wearing apparel situated in the home of the decedent at the time of his death. . . . .	\$500.00
2.	One 1969 Model Chevrolet 4-dr Sedan, ID. No. 1234567890 . . . . .	\$2,750.00
3.	One 1968 Model Ford ½ ton pickup truck, ID No. 0987654321 . . . . .	\$1,600.00
4.	Approximately ten tons of fertilizer . . . . .	\$1,500.00
5.	Farm machinery, tools & equipment . . . . .	\$9,000.00
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. . . . .	\$1,000.00
10.	Annual Crops, growing . . . . .	\$1,000.00
	Total Schedule "F" . . . . .	\$21,250.00

## Schedule "G"

## Transfers

Item No.	Description	Appraised Value at date of death
	(none)	

## Recapitulation

		Appraised Value at Date of Death	
		Non-probate Assets	Probate Assets
Schedule A	Real Estate . . . . .		\$50,000.00
Schedule B	Stock and Bonds . . . . .		\$7,313.60
Schedule C	Mortgages, Notes and Cash . . . . .		\$4,652.10
Schedule D	Insurance . . . . .		\$10,000.00
Schedule E	Jointly Owned Property. . . . .	\$2,500.00	
Schedule F	Miscellaneous Property . . . . .	\$21,250.00	Schedule G
Transfers	. . . . .	\$	
	Total Probate Assets. . . . .		\$93,215.70
	Total Non-Probate Assets . . . . .	\$2,500.00	
	Total Estate . . . . .		\$95,715.70

## CERTIFICATE OF APPRAISER(S)

WE, the undersigned appraisers, being first duly sworn, upon our respective oaths, hereby depose and certify that we have appraised at its full and fair value, according to law, all of the property of Richard Roe which was exhibited to us by Harry J. Roe, Administrator of the Estate of Richard Roe, deceased, as described in the Inventory and Valuation as of July 3, 1976, the date of the death of the decedent, and have set the value opposite each item in the Inventory; that we have

made the appraisements honestly and impartially and to the best of our ability, and we request the allowance of appraisers' fees and expenses as follows:

R. E. Dealer

3740 Oak Street

Hometown, Kansas 66648 ..... \$15.00

A. G. Broker

5617 Elm Street

Hometown, Kansas 66648 ..... \$15.00

S. N. Neighbor

3217 Pine Street

Hometown, Kansas 66648 ..... \$15.00

R. E. DEALER

A. G. BROKER

S. N. NEIGHBOR

SUBSCRIBED AND SWORN TO before me this 20th day of October, 19 76 .  
NEVA WRIGHT

*Notary Public*

My Appointment Expires:

January 10, 1978

### ORDER ALLOWING APPRAISER(S) FEES AND EXPENSES

Now on this 30th day of October, 19 76, appraisers' fees and expenses are allowed as follows:

R. E. Dealer ..... \$15.00

A. C. Broker ..... \$15.00

S. N. Neighbor ..... \$15.00

A. L. MANN

*Judge*

*Reference:* K.S.A. 59-1201; 59-1202; 59-1206.

*Time:* The appraisers shall appraise the property and file the appraisal within 30 days of their appointment.

*Comment:* This form is to be completed and used if appraisers are appointed. Some practitioners may choose to combine into one instrument the inventory, the valuation and the appraisal when appraisal is required.

The estate of Richard Roe is not large enough that it will require a Federal Estate Tax Return, Form No. 706. The Kansas Department of Revenue, Inheritance Tax Division, Form No. IH-12, (1968 Revision) asks that either the same information contained in the Federal Form No. 706 Schedules, or copies thereof, be furnished to the Kansas Department of Revenue. The Independent Appraisal has been prepared to correspond with the schedules in the Federal Estate Tax Return, Form No. 706, and the Kansas Inheritance Tax Form No. IH-12. Copies of schedules may be attached to either form, thus eliminating chances of misdescription and error in preparing separate documents containing the same information.

## (216)

## Allowance of Demand

The forms relating to Allowance of Demand are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 721 to 725 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
721	Petition for Allowance of Demand
722	Order for Hearing
723	Notice of Hearing
724	Affidavit of Service
725	Order on Demand

---

## (217)

## Statutory Allowance

The forms relating to Statutory Allowance are in the section containing the Other Administration Proceedings. The pertinent forms are numbered 731 to 736 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
731	Petition for Statutory Allowance
732	Order for Hearing
733	Notice of Hearing
734	Affidavit of Service
735	Order for Statutory Allowance
736	Receipt

---

## (218)

## 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 741 to 745 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
741	Petition to Set Apart Homestead
742	Order for Hearing
743	Notice of Hearing
744	Affidavit of Service
745	Order Setting Apart Homestead

---

## (219)

## Sale of Personal Property

The forms relating to this 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 801 to 806 and 811 to 818 and are titled as follows:

*Form No.* Title (Private Sale)

801	Petition for Sale of Personal Property at Private Sale
802	Order for Hearing
803	Notice of Hearing (If to be heard with Notice)
804	Affidavit of Service (If to be heard with Notice)
805	Order for Sale of Personal Property at Private Sale
806	Report of Sale of Personal Property at Private Sale (Public Auction)
811	Petition for Sale of Personal Property at Public Auction
812	Order for Hearing
813	Notice of Hearing
814	Affidavit of Service
815	Order for Sale of Personal Property at Public Auction
816	Notice of Sale
817	Affidavit of Publication
818	Report of Sale of Personal Property at Public Auction

(220)

**Sale of Real Estate**

The forms relating to the Sale of Real Estate at Public Auction are numbered 821 to 834. The forms relating to Sale of Real Estate at Private Sale are numbered 841 to 857. The forms relating to Sale of Real Estate at Private Sale (with confirmation included in order for sale) are numbered 861 to 874.

For a list setting forth the form, title and number, see the Table of Forms at the beginning of the book.

(221)

(CAPTION)

**Petition for Final Settlement**

COMES NOW Harry J. Roe and alleges:

1. That he is a resident of Apache County, Kansas, and his address is 1220 Main Street, Metropolis, Kansas 66650.

2. That he is the duly appointed, qualified and acting Administrator of the Estate of Richard Roe, deceased, by virtue of Letters of Administration granted to him by the Court on August 20, 19 76; that more than nine months have expired since the date of death of the decedent and no will has been offered for Probate; that more than six months have expired since the first published notice to creditors and the Estate has been fully administered.

3. That Richard Roe died intestate at Hometown, Kansas, on the 3rd day of July, 19 76; that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States.

4. That Richard Roe was survived by the following named persons who, so far as known or can with reasonable diligence be ascertained, are all of his heirs:

Name	Age	Relationship	Address
<u>Jane Roe</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 1, Hometown, Kansas 66648</u>
<u>Harry J. Roe</u>	<u>Adult</u>	<u>Son</u>	<u>1220 Main Street, Metropolis, Kansas 66650</u>
<u>Susan R. Brown</u>	<u>Adult</u>	<u>Daughter</u>	<u>Dry Creek, Colorado 79100</u>
<u>George J. Roe</u>	<u>Adult</u>	<u>Son</u>	<u>Dry Creek, Colorado 79100</u>

5. That the decedent had no spouse or children or adopted children, or issue of deceased children, natural or adopted, or other heirs who survived him, other than the persons above named.

6. That the names and addresses of the duly appointed legal representatives of the heirs above named are:

<i>Name</i>	<i>Representative Capacity</i>	<i>Address</i>
	(NONE)	

7. That the decedent owned at the time of his death, the following described real estate situated in Apache County, Kansas:

- (a) The northeast quarter of Section 26, Township 20, South, Range 30, West of the 6th P.M., containing 160 acres, more or less; and that said real estate was set aside for the use of Jane Roe, widow of the decedent as her homestead, by order of this Court, dated the 19th day of September 1976, and that title to said real estate should be assigned to the heirs above named, subject to the homestead rights of said widow.
- (b) The Northeast quarter of the Northeast quarter of Section 10, Township 20, South, Range 30, West of the 6th P.M., containing 40 acres, more or less, together with all improvements situated thereon.

8. That a full, true and correct account by the Petitioner of the administration of the Estate is attached hereto, marked "Exhibit A" and made a part hereof.

9. All taxes imposed by the state of Kansas and by the United States have been paid ; all demands against the Estate of the decedent have been paid as authorized by law or the Order of the Court, and the time for filing of demands has expired.

10. That the Petitioner has performed valuable services in said Estate as Administrator , and shows that he has employed Pleader, Pleader & Tryor as his attorneys; that these attorneys have performed valuable services in this Estate and that an allowance should be made for his services and the services of said attorneys as follows:

- (a) To the Administrator for his compensation in the sum of \$\_\_\_\_\_ and expenses in the sum of \$\_\_\_\_\_.
- (b) To the Administrator for his attorneys' fees in the sum of \$\_\_\_\_\_ and their expenses in the sum of \$\_\_\_\_\_.

WHEREFORE, Petitioner prays that his acts be approved; that his account be settled and allowed; that the Estate be assigned to the persons entitled thereto; that the Court find that the allowances requested for Administrator's compensation and expenses, attorneys' fees and expenses are reasonable and should be allowed; that the court costs be determined and ordered paid; that the administration of the Estate be closed; that upon the filing of receipts the Petitioner be finally discharged as the Administrator of the Estate of Richard Roe , deceased, and that he and the surety on his bond be released from further liability.

HARRY J. ROE

*Petitioner*

## (VERIFICATION)

(See Form No. 103 for Verification)

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

## EXHIBIT "A"

For the form of the Accounting of the Petitioner, follow generally Exhibit "A" in the Testate Estate, which appears therein as pages 5 and 6 of Form No. 144.

*Reference:* K.S.A. 59-1401; 59-1501; 59-1502; 59-2204; 59-2247; 59-2249; 79-303; 79-1522; 79-2903; 79-3112; 79-3220(d); Internal Revenue Code Section 2002 and Internal Revenue Code Section 641(b).

*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 No. 122, 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 121 and 127.

If there are legal representatives, they must be named and notice must be given to each of them.

(222)

## Order for Hearing

See Form 145, as to: (1) Form,  
 (2) Reference,  
 (3) Time, and  
 (4) Comment.

(223)

First published in the Metropolis Herald , Monday , the 8th day of May , 19 77 .

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 Harry J. Roe , duly appointed, qualified and acting Administrator of the Estate of Richard

Roe , deceased, praying that his acts be approved; that his account be settled and allowed; that the Estate be assigned to the persons entitled thereto; that fees and expenses be allowed; that costs be determined and ordered paid; that the administration of the Estate be closed; that the Administrator be discharged and that he [and the surety on his bond] be released from further liability.

You are required to file your written defenses thereto on or before the 1st day of June , 19 77 , at ten o'clock A . M. of said day, in said Court, in the City of Metropolis , in Apache County, Kansas, at which time and place said 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

Telephone 913 555-0000

Attorneys for Administrator

TO THE PUBLISHER: Please publish for three consecutive Mondays , commencing the 8th day of May , 19 77 . 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.

*Reference:* K.S.A. 59-2208; 59-2209; 59-2210; 59-2247.

*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 for hearing shall not be earlier than seven days nor later than fourteen days after the last publication of Notice.

---

(224)

**Affidavit of Service**

See form 106, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(225)

**Affidavit of Publication**

See form 107, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(226)

**Written Defenses of Guardian Ad Litem**

See Form 121, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(227)

**Affidavit Pursuant to Soldiers'  
And Sailors' Civil Relief Act**

See Form 122, as to: (1) Form,  
(2) Reference, and  
(3) Comment.

---

(228)

**Written Defenses of Attorney Representing  
Interests of Serviceman Pursuant to Soldiers'  
and Sailors' Civil Relief Act**

See Form 127, as to: (1) Form, and  
(2) Time.

---

(229)

(CAPTION)

**Journal Entry of Final Settlement**

Now on this 1st day of June, 19 76, comes on for hearing the Petition for Final Settlement filed by Harry Roe, Administrator of the Estate of Richard Roe, deceased.

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

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

1. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs.

2. That notice of this hearing has been 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. That the allegations of the Petition are true.

4. That 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. That all taxes imposed by the State of Kansas and by the United States 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.

6. That the decedent owned at the time of his death, the following described real estate situated in Apache County, Kansas:

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.

The Northeast quarter of the Northeast quarter of Section 10, Township 20, South, Range 30, West of the 6th P.M., containing 40 acres, more or less, together with all improvements thereon.

7. That the Petitioner has filed herein a full and complete accounting of his receipts and disbursements as Administrator, which are summarized as follows:

Receipts .....	<u>\$75,625.00</u>
Disbursements .....	<u>\$9,678.00</u>
Balance Cash on Hand. ....	<u>\$65,947.00</u>

That the Petitioner, since filing his Petition for Final Settlement has received the following:

<u>Rent</u> .....	<u>\$50.00</u>
<u>K. P. &amp; L. Refund</u> .....	<u>\$20.00</u>
<u>Telephone Refund</u> .....	<u>\$6.00</u>
<u>Total</u> .....	<u>\$76.00</u>

and made the following disbursements:

<u>Lawn Care</u> .....	<u>\$8.00</u>
<u>Trash Hauling</u> .....	<u>\$12.00</u>
<u>Gas Bill</u> .....	<u>\$7.00</u>
<u>Advance Payment of State Intangibles Tax</u> .....	<u>\$26.00</u>
<u>Total</u> .....	<u>\$53.00</u>

leaving a cash balance on hand of ..... \$65,970.00

8. That the account attached to the Petition and the supplemental account should be settled and allowed and 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. That the names, ages and relationships of the heirs who are entitled to the Estate and their respective proportions are:

<u>Name</u>	<u>Age</u>	<u>Relationship</u>	<u>Proportion</u>
<u>Jane Roe</u>	<u>Adult</u>	<u>Wife</u>	<u>One-half</u>
<u>Harry J. Roe</u>	<u>Adult</u>	<u>Son</u>	<u>One-sixth</u>
<u>George J. Roe</u>	<u>Adult</u>	<u>Son</u>	<u>One-sixth</u>
<u>Susan R. Brown</u>	<u>Adult</u>	<u>Daughter</u>	<u>One-sixth</u>

10. That Harry J. Roe is entitled to compensation for his services as Administrator; that he has employed Pleader, Pleader & Tryor as his attorneys in this Estate; that there are costs due this Court; that the following fees, expenses and costs are reasonable and should be paid:

- (a) To the Administrator for his services in the sum of \_\_\_\_\_ and his expenses in the sum of \_\_\_\_\_.
- (b) To the Administrator for his attorneys' fees in the sum of \$\_\_\_\_\_ and their expenses in the sum of \$\_\_\_\_\_.
- (c) To the Court for costs in the sum of \$\_\_\_\_\_.

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

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

(B) That the accounts of Harry J. Roe, Administrator of the Estate of Richard Roe,

deceased, are settled and allowed and all of his acts and proceedings are approved and that he be and is authorized and directed to pay the fees, expenses and costs set out in paragraph 9 above.

(C) That after the payment of fees, expenses and costs the remaining personal property in the hands of the Administrator, subject to any lawful disposition heretofore made is assigned as follows:

Name	Proportion
(1) <u>Jane Roe</u>	<u>One-half</u>
(2) <u>Harry J. Roe</u>	<u>One-sixth</u>
(3) <u>Susan R. Brown</u>	<u>One-sixth</u>
(4) <u>George J. Roe</u>	<u>One-sixth</u>

(D) That the following described real estate situated in Apache County, Kansas:

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, subject to the homestead rights of Jane Roe.

The Northeast quarter of the Northeast quarter of Section 10, Range 30, West of the 6th P.M., containing 40 acres, more or less, together with all improvements thereon.

and all other personal property, and Kansas real estate owned by the decedent at the date of his death, subject to any lawful disposition heretofore made, including the homestead rights of Jane Roe, widow of Richard Roe, deceased, as heretofore ordered by the Court on the 19th day of September, 1976, is assigned as follows:

Name	Interest
<u>Jane Roe</u>	<u>Undivided one-half interest</u>
<u>Harry J. Roe</u>	<u>Undivided one-sixth interest</u>
<u>Susan R. Brown</u>	<u>Undivided one-sixth interest</u>
<u>George J. Roe</u>	<u>Undivided one-sixth interest</u>

(E) That 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 he together with the surety on his 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

Telephone 913 555-0000

Attorneys for Administrator

*Reference:* K.S.A. 59-2249.

*Time:* The Journal Entry of Final Settlement shall not be entered sooner than nine months after the date of death of the decedent and not sooner than six 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.

No decree shall be entered until after the determination and payment of inheritance tax, if any.

No decree should be entered until after determination and payment of federal estate tax, if any.

---

(230)

**Receipt**

See Form 153, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(231)

**Journal Entry of Final Discharge**

See Form 154, as to: (1) Form,  
(2) Reference, and  
(3) Time.

---

# JUDICIAL COUNCIL BULLETIN

## SIMPLIFIED ADMINISTRATION

85

<i>Title</i>	<i>Form No.</i>
Last Will & Testament of <u>Joe Brown</u> . . . . .	301
Consent of Spouse . . . . .	302
Petition for Probate of Will and Issuance of Letters Testamentary Under the Kansas Simplified Estates Act. . . . .	303
Preface to Forms 304-316	
Notice Ordered Pursuant to 59-2209:	
Order for Hearing and for Notice to Creditors . . . . .	304
Notice of Hearing and Notice to Creditors . . . . .	305
Affidavit of Service . . . . .	306
Affidavit of Publication . . . . .	307
Notice Ordered by Mail or Otherwise:	
Order for Hearing and for Notice to Creditors . . . . .	308
Notice of Hearing . . . . .	309
Affidavit of Service . . . . .	310
Notice to Creditors . . . . .	311
Affidavit of Publication . . . . .	312
Notice Waived:	
Voluntary Entry of Appearance and Waiver of Notice (and Bond) . . . .	313
Order for Hearing and for Notice to Creditors . . . . .	314
Notice to Creditors . . . . .	315
Affidavit of Publication . . . . .	316
Guardian Ad Litem Forms . . . . .	317
Soldiers' & Sailors' Civil Relief Act Forms . . . . .	318
Forms Relating to Proof of Will. . . . .	319
Order Admitting Will to Probate and Issuing Letters <u>Testamentary</u> Under the Kansas Simplified Estates Act. . . . .	320
Certificate Pursuant to 59-2233. . . . .	321
Oath of <u>Executrix</u> . . . . .	322
Bond . . . . .	323
Letters <u>Testamentary</u> Issued Under the Kansas Simplified Estates Act . . . .	324
Inventory and Valuation. . . . .	325
Election to Take by Intestate Succession . . . . .	326
Allowance and Classification of Demand . . . . .	327
Statutory Allowance . . . . .	328
Setting Apart Homestead . . . . .	329
Sale of Personal Property . . . . .	330
Sale of Real Estate . . . . .	331
Petition for Judicial Determination of <u>Statutory Allowance</u> . . . . .	332
Order for Hearing . . . . .	333
Notice of Hearing . . . . .	334
Affidavit of Service . . . . .	335
Judicial Determination of <u>Statutory Allowance</u> . . . . .	336
Petition for Supervised Administration. . . . .	337
Order for Hearing . . . . .	338
Notice of Hearing . . . . .	339
Affidavit of Service . . . . .	340
Order for Supervised Administration . . . . .	341
Letters Testamentary . . . . .	342
Closing of Estate Under Kansas Simplified Estates Act . . . . .	343

(301)

Last Will and Testament of Joe Brown

No Will is suggested for the same reasons as set forth in Form 101 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 Executrix, to serve without bond; and included "Consent of Spouse."

*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.

(302)

## Consent of Spouse

See Form 102, as to: (1) Form,  
(2) Reference, and  
(3) Comment.

(303)

## Simplified Administration

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

IN THE MATTER OF ESTATE OF

Joe Brown, DECEASEDNo. 8888

(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

**Petition for Probate of Will and Issuance of Letters  
Testamentary Under the Kansas Simplified Estates Act**

Comes now Sue Brown and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 2, Hometown, Kansas 66648.

2. That the Petitioner has an interest in decedent's Estate as an heir, devisee and legatee, and as Executrix named in the Last Will and Testament of Joe Brown, deceased, dated April 15, 19 76.

3. That Joe Brown died testate at Hometown, Kansas, on the 3rd day of July, 19 76; that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States.

4. That 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
<u>Sue Brown</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 2, Hometown, Kansas 66648</u>
<u>Richard Brown</u>	<u>Adult</u>	<u>Son</u>	<u>101 West 1st Street, Hometown, Kansas 66648</u>
<u>Gerald Brown</u>	<u>Adult</u>	<u>Son</u>	<u>222 South Main Street, Hometown, Kansas 66648</u>
<u>Phillip Brown</u>	<u>Adult</u>	<u>Son</u>	<u>1700 Kansas Street, Woodland, Kansas 66611</u>

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

6. That the instrument in writing dated April 15, 1976, and filed herewith, is the Last Will and Testament of the decedent; that the same had a legal existence and remained unrevoked at the time of his death; that at the time of the execution thereof he was of legal age, of sound mind, and not under restraint.

7. That 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.)

8. That the name, residence and address of the named Executor of the Will is:

Name	Residence	Address
<u>Sue Brown</u>	<u>Apache County, Kansas</u>	<u>Route 2, Hometown, Kansas 66648</u>

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

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

10. That Sue Brown, wife of the testator, consented in writing to the Last Will and Testament, as provided by law, which consent is attached to and filed herewith.

11. That 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
<u>Sue Brown</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 2, Hometown, Kansas 66648</u>
<u>Richard Brown</u>	<u>Adult</u>	<u>Son</u>	<u>101 W. 1st Street, Hometown, Kansas 66648</u>
<u>Gerald Brown</u>	<u>Adult</u>	<u>Son</u>	<u>222 S. Main Street, Hometown, Kansas 66648</u>
<u>Phillip Brown</u>	<u>Adult</u>	<u>Son</u>	<u>1700 Kansas Street, Woodland, Kansas 66611</u>

12. That 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:

<i>Name</i>	<i>Representative Capacity</i>	<i>Address</i>
	(NONE)	

13. That the general character and probable value of decedent's estate are:

Real estate of the estimated value of \$50,000 with probable annual income of \$5,000. Personal property of the estimated value of \$50,000.

14. That the appointment of an Executrix is necessary for the collection, conservation and administration of the estate; that Sue Brown a resident of Kansas, whose address is Route 2, Hometown, Kansas 66648, is a suitable and competent person to be issued letters testamentary under the Kansas Simplified Estates Act, without bond, as provided by said Last Will and Testament.

WHEREFORE, Petitioner prays that the instrument offered herewith be admitted to probate and record as the Last Will and Testament of the decedent; that Letters Testamentary under the Kansas Simplified Estates Act be issued to her to serve without bond and that the "Consent of Spouse" filed herein be determined a valid consent.

Sue Brown

*Petitioner*

STATE OF KANSAS

COUNTY OF APACHE

} ss:

Sue Brown, of lawful age, being first duly sworn, upon her oath states:

That she is the Petitioner above named; that she has read the above Petition for Probate of Will and Issuance of Letters Testamentary Issued Under the Kansas Simplified Estates Act; that she knows the content thereof, and that all the statements therein made are true.

SUE BROWN

SUBSCRIBED AND SWORN TO before me this 10th day of July, 19 76.  
NEVA WRIGHT

*Notary Public*

My Appointment Expires:

January 10, 1978

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 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; 69-619; 59-704; 59-1101; 59-1104; 59-1706; 59-2219; 59-2220; 59-2221; 59-2222; 59-2223; 59-2225; 59-3201; 59-3202; 59-3203; 59-3204; 59-3205; 59-3206.

*Time:* The Petition must be filed within nine months after the death of the testator.

*Comment:* 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. Paragraph 10 and the last portion of the prayer is applicable only when a consent is filed with the Will. 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 Petitioner is a corporation, see Form No. 721 for a form of corporate verification.

Letters Testamentary may be granted to a nonresident of the state where the nonresident has appointed a resident agent.

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

Although this petition and the other forms in this chapter are designed for use in a Testate proceeding under the Kansas Simplified Estates Act it is contemplated they can be adapted for use in an Intestate proceeding under that Act.

---

### Preface to Forms 304-316

The following forms 304-316 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 304 to 307 should be used if notice is ordered pursuant to 59-2209. Forms 308 to 312 should be used if the notice is "otherwise ordered by the court" (usually by mail). Forms 313 to 316 should be used if waivers are filed.

(304)

(CAPTION)

### Order for Hearing and for Notice to Creditors

Now on this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, the Court finds that 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 the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, at ten o'clock A.M. in this Court; that notice of the time and place of hearing be given pursuant to K.S.A. 59-2209; and that notice to creditors be given pursuant to K.S.A. 59-709.

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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-709; 59-2204; 59-2208; 59-2209; 59-2222; 59-2223.

*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.

Before using this form see preface to forms 304-316.

(305)

First published in the Metropolis Herald , Tuesday , the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

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 , 19 76 , a Petition was filed in this Court by Sue Brown , an heir, devisee and legatee , and Executrix named in the Last Will and Testament of Joe Brown , deceased, dated April 15 , 19 76 , praying that the instrument attached thereto be admitted to probate and record as the Last Will and Testament of the decedent; that Letters Testamentary under the Kansas Simplified Estates Act be issued to her to serve without bond and that the "Consent of Spouse" filed in said cause be determined a valid consent .

You are further advised that 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 that 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 the 4<sup>th</sup> day of August , 19 76 , at ten o'clock A .M. of said day, in said Court, in the City of Metropolis , in Apache County, Kansas, at which time and place said 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 six months from the date of 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  
Telephone 913 555-0000  
Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Tuesdays commencing the 11th day of July , 19 76 . 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. 59-603; 59-709; 59-2208; 59-2209; 59-2210; 59-2222; 59-2223; 59-2225; 59-2233; 59-2236; 59-2239.

*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 of Hearing required by K.S.A. 59-2222 is waived, the Notice to Creditors shall be published separately. (See Form 311.)

The non-claim statute for creditors begins to run with the first publication of the Notice.

---

(306)

#### Affidavit of Service

See Form 106, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(307)

#### Affidavit of Publication

See Form 107, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(308)

(CAPTION)

#### Order for Hearing and for Notice to Creditors

Now on this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, the Court finds that 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 the \_\_\_\_ day of

\_\_\_\_\_, 19 \_\_\_\_, at \_\_\_\_ o'clock A.M. in this Court; that 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 that notice to creditors be given pursuant to K.S.A. 59-709.

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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-709; 59-2204; 59-2208; 59-2222; 59-2223; 59-2236.

*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 113 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.

(309)

(CAPTION)

### Notice of Hearing

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that on July 10, 1976 a Petition was filed in this Court by Sue Brown, an heir, devisee and legatee, and Executrix named in the Last Will and Testament of Joe Brown, deceased, dated April 15, 1976, praying that the instrument attached thereto be admitted to probate and record as the Last Will and Testament of the decedent; that Letters Testamentary under the Kansas Simplified Estates Act be issued to her to serve without bond and that the "Consent of Spouse" filed herein be determined a valid consent.

You are further advised that 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 Executrix or other proceedings in the administration will be given, except for notice of final settlement of decedent's Estate.

You are further advised that 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 the 4th day of August, 19 76, at ten o'clock A.M. of said day, in said Court, in the City of Metropolis, in Apache County, Kansas, at which time and place said cause will be entered in due course upon the petition.

SUE BROWN

*Petitioner*

*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.

*Time:* As set forth in the Order.

*Comment:* This form of notice is by mail, not publication, pursuant to the order of the Court as set out in 308. The notice to creditors will be published, see Form 311.

(310)

**Affidavit of Service**

See Form 106, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

(311)

First published in the Metropolis Herald, \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

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 \_\_\_\_\_, 19 \_\_\_\_, 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 Executrix named in the Last Will and Testament of Joe Brown, deceased.

All creditors of the above named decedent are notified to exhibit their demands against the Estate within six 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  
Telephone 913 555-0000  
Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive \_\_\_\_\_ commencing on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_. 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, Court-house, with copy to this office.

*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 said 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 this 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.

(312)

#### Affidavit of Publication

See Form 107, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

(313)

(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 his appearance herein, waives notice of hearing on the Petition For Probate Of Will and Issuance of Letters Testamentary under the Kansas Simplified Estates Act, consents to simplified administration under the Kansas Simplified Estates Act and consents that the said petition may be set for immediate hearing without further notice to him pursuant to K.S.A. 59-2223 [and waives the requirement of bond pursuant to K.S.A. 59-1104].

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

RICHARD BROWN

STATE OF KANSAS

COUNTY OF APACHE

} ss:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, By \_\_\_\_\_

Notary Public

*My Appointment Expires:* \_\_\_\_\_

*Reference:* K.S.A. 59-1101; 59-1104; 59-2208; 59-2222; 59-2223.

*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 304-316.

---

(314)

(CAPTION)

**Order for Hearing and for Notice to Creditors**

Now on this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, the Court finds that voluntary entries of appearance and waivers of notice [and bond] have been filed by all parties interested; that all parties interested have consented to administration under the Kansas Simplified Estates Act; that 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 the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, at \_\_\_\_ o'clock A .M. in this Court, and that notice of the time and place of hearing by publication or otherwise is not necessary or required by law; and that notice to creditors be given pursuant to K.S.A. 59-709.

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

Telephone 913 555-0000

Attorneys for Petitioner

---

*Reference:* K.S.A. 59-709; 59-2204; 59-2208; 59-2222; 59-2223.

*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 304-316.

---

(315)

**Notice to Creditors**

See 311, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(316)

**Affidavit of Publication**

See Form 107, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment,

---

(317)

**Guardian Ad Litem Forms**

Where applicable see the following forms:

<i>Form No.</i>	<i>Title</i>
117	Petition for Appointment of Guardian Ad Litem
118	Order for Hearing
119	Order Appointing Guardian Ad Litem
120	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
121	Written Defenses of Guardian Ad Litem

---

(318)

**Soldiers' & Sailors' Civil Relief Act Forms**

Where applicable see the following forms:

<i>Form No.</i>	<i>Title</i>
122	Affidavit Pursuant to Soldiers' & Sailors' Civil Relief Act
123	Petition for Appointment of Attorney Pursuant to Soldier's & Sailors' Civil Relief Act or Petition for Appointment of Attorney to Represent Unknown Persons Pursuant to Soldiers' & Sailors' Civil Relief Act
124	Order for Hearing
125	Order Appointing Attorney to Represent Interests of Serviceman Pursuant to Soldiers' & Sailors' Civil Relief Act
126	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
127	Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' & Sailors' Civil Relief Act

---

(319)

**Forms Relating to Proof of Will**

For forms relating to Proof of Will:

- (A) By affidavit, see form 128;
  - (B) By testimony in open court reduced to writing see form 129, and
  - (C) By issuance of Commission to take deposition of subscribing witness, see form 130.
- 

(320)

(CAPTION)

**Order Admitting Will to Probate and Issuing Letters  
Testamentary Under the Kansas Simplified Estates Act**

Now on this 4th day of August, 19 76, comes on for hearing the Petition for Probate of Will, filed herein by Sue Brown.

The Petitioner appears in person and by her 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. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, devisees and legatees.

2. [That all parties interested herein 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 [That notice of this hearing has been 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. That the allegations of the Petition are true.

4. That 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. That Joe Brown died testate at Hometown, Kansas, on the 3rd day of July, 19 76, that at the time of his death he was a resident of Apache County, Kansas and a citizen of the United States.

6. That 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; that the instrument dated April 15, 1976, and filed with the Petition, is the Last Will and Testament of Joe Brown, deceased; that 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; that the Last Will and Testament was in full force and effect at the date of death of the decedent, and that the Last Will and Testament should be admitted to Probate and Record.

7. That this is a proper Estate for administration under the Kansas Simplified Estates Act.

8. That Sue Brown is named as Executrix 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.

(Note: If bond is excused for any other reason set forth in K.S.A. 59-1104, recite that reason in this paragraph. If bond is required show that fact and the amount.)

9. That Sue Brown, the Petitioner, was the wife of the decedent at the time the decedent executed his Last Will and Testament and she executed her consent in writing to the Last Will and Testament of the decedent.

[10. That \_\_\_\_\_ 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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the instrument, dated April 15, 1976, and filed with the Petition, be and is hereby adjudged to be the Last Will and Testament of Joe Brown, deceased, and that it be and is hereby admitted to probate and record.

(C) That 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) That this Estate shall be administered as a simplified Estate, and that Sue Brown be and is hereby appointed Executrix of the Last Will and Testament of Joe Brown, deceased, to serve without bond, and that upon filing of her oath, [and written appointment of agent pursuant to 59-1706] Letters Testamentary under the Kansas Simplified Estates Act be issued to her.

A. L. MANN

*Judge*

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 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.

*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 the Executor is a non-resident 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.

(321)

Certificate Pursuant to 59-2233

See Form 133 as to: (1) Form, and  
(2) Reference.

(322)

**Oath of Executrix**

See Form 134 as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(323)

**Bond**

See Form 135.

---

(324)

**Letters Testamentary Issued Under the Kansas Simplified Estates Act**

KNOW ALL MEN BY THESE PRESENTS:

That Sue Brown a resident of Hometown, Apache County, Kansas, named as Executrix of the Last Will and Testament of Joe Brown, deceased, having been appointed and qualified as Executrix, 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 above entitled Court, have subscribed my name and affixed the seal of this Court at Metropolis, in the said county and state, this 4th day of August, 19 76.

A. L. MANN

*Judge*

(SEAL)

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Executrix

---

*Reference:* K.S.A. 59-701; 59-706; 59-2227; 59-3203.

*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 132).

---

(325)

**Inventory & Valuation**

See Form 137, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(326)

**Election to Take by Intestate Succession**

See Form 138, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(327)

**Allowance and Classification of Demand**

If a judicial determination of any matter [including Allowance and Classification of Demand] is sought, see forms 332 to 336 and the comments thereunder.

---

(328)

**Statutory Allowance**

If a judicial determination of any matter [including Statutory Allowance] is sought, see forms 332 to 336 and the comments thereunder.

---

(329)

**Setting Apart Homestead**

If a judicial determination of any matter [including Setting Apart Homestead] is sought, see forms 332 to 336 and the comments thereunder.

---

(330)

**Sale of Personal Property**

If a Judicial determination of any matter [including Sale of Personal Property] is sought, see forms 332 to 336 and the comments thereunder.

---

(331)

**Sale of Real Estate**

The forms relating to the Sale of Real Estate at Public Auction are numbered 821 to 834. The forms relating to Sale of Real Estate at Private Sale are numbered 841 to 854. The forms relating to Sale of Real Estate at Private Sale (with confirmation included in order for sale) are numbered 861 to 874.

For a list setting forth each form number and title, see the Table of Forms at the beginning of the book.

---

(332)

(CAPTION)

Petition for Judicial Determination of Statutory AllowanceCOMES NOW Sue Brown and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 2, Hometown, Kansas 66648.

2. That she is the duly appointed, qualified and acting Executrix of the Estate of Joe Brown, deceased, by virtue of Letters Testamentary under the Kansas Simplified Estates Act granted to her by the Court on August 4, 19 76, and is also the surviving spouse of Joe Brown, deceased.

3. That Sue Brown, surviving spouse, has requested that certain personal property and money owned by the decedent at the time of his death, as shown by the Inventory and Valuation, be set aside to her for her 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. That Petitioner requests a judicial determination of the entitlement of the surviving spouse to said allowances.

5. That 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 that the remainder of the administration continue as simplified administration.

SUE BROWN

*Executrix*

(VERIFICATION)

See Form 103

PLEADER, PLEADER &amp; TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Executrix

---

Reference: K.S.A. 59-3205.

Time: Anytime 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.

---

(333)

(CAPTION)

**Order for Hearing**

Now on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the Court Finds that the Petition For Judicial Determination Of Statutory Allowance filed by Sue Brown, Executrix, should be heard on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at ten o'clock A.M. in this court and that notice of the time and place of said hearing be given by mail to all persons interested at least ten days prior to the date of such hearing.

IT IS SO ORDERED.

A. L. MANN

*Judge*

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER &amp; TRYOR

BY: W.B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Executrix

*Reference:* K.S.A. 59-2208; 59-3205.*Time:* When the Petition is filed.

*Comment:* Notice is discretionary with the court and exercisable pursuant to K.S.A. 59-2208.

(334)

(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, Executrix, of the Estate of Joe Brown, deceased, praying that a judicial determination be made of the entitlement of the surviving spouse of the deceased to the statutory allowance and that the remainder of the administration of the Estate continue as simplified administration.

You are required to file your written defenses thereto on or before the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at ten o'clock A.M. of said day, in said court, in the city of Metropolis, in Apache County, Kansas at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the petition.

SUE BROWN

*Executrix*

PLEADER, PLEADER & TRYOR  
 The Hometown State Bank Building  
 Hometown, Kansas 66648  
 Telephone 913 555-0000  
 Attorneys for Executrix

*Reference:* K.S.A. 59-2208; 59-2210; 59-3205.

(335)

(CAPTION)

**Affidavit of Service**

STATE OF KANSAS

} ss:

COUNTY OF APACHE

W. B. Pleader, of lawful age, being first duly sworn, upon his oath states:

That he is one of the attorneys for the Executrix; that he served a copy of the attached Notice by depositing the same in United States Mail, postage prepaid, on the 19th day of August, 19 76, and at least ten days prior to the date of said 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 this 19th day of August, 19 76.

Neva Wright

*Notary Public*

(SEAL)

My Appointment Expires:

January 10, 1978

*Reference:* K.S.A. 59-208; 59-2211; 59-3205

*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.

(336)

(CAPTION)

**Judicial Determination of Statutory Allowance**

Now on this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, comes on for hearing the Petition for Judicial Determination of Statutory Allowance.

Petitioner appears by her 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. That notice of this hearing has been given as required by law and the order of this Court and that proof thereof has been duly filed herein and is hereby approved.

2. That the allegations of the Petition are true.

3. That Sue Brown is the surviving spouse of the decedent; that the decedent left no minor children.

4. That Sue Brown is entitled to have the personal property selected by her pursuant to K.S.A. 59-403 (1), set apart to her for her use and benefit.

5. That Sue Brown is entitled to the allowance requested by her 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) That the findings hereinabove be and the same are made a part of the order and decree of this Court.

(B) That the Petition for Judicial Determination of a Statutory Allowance is granted.

(C) That 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) That said property shall not be liable for the payment of any of decedent's debts or other demands against his Estate, except liens thereon existing at the time of his death.

(E) That 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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-403; 59-404; 59-2235; 59-3205.

*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.

---

(337)

(CAPTION)

**Petition for Supervised Administration**

Comes Now Sue Brown and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 2, Hometown, Kansas 66648.

2. That she is the duly appointed, qualified and acting Executrix of the Estate of Joe Brown, deceased, by virtue of Letters Testamentary under the Kansas Simplified Estates Act, granted to her by the Court on August 4, 1976.

3. That 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. That Letters Testamentary issued under the Kansas Simplified Estates Act to Sue Brown on August 4, 19 76, should be revoked; that Letters Testamentary should be issued to her; that supervised administration be ordered for the remainder of the administration of this Estate.

5. That notice to creditors has been duly published, and a proper inventory and valuation has been previously filed.

6. That Bond is not necessary in the continued administration of this Estate and should not be ordered.

WHEREFORE, The Petitioner prays that administration of the Estate under the Kansas Simplified Estates Act be terminated; that Letters Testamentary issued under the Kansas Simplified Estates Act be revoked; that Letters Testamentary be issued to Sue Brown, without bond, that supervised administration be ordered for the remainder of this Estate.

SUE BROWN

*Petitioner*

(VERIFICATION)

See Form 103

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

---

*Reference:* K.S.A. 59-701; 59-705; 59-3206.

*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 executrix is reappointed. If a new person is to be appointed executrix or administrator the appropriate allegations should appear in the petition.

(338)

(CAPTION)

**Order for Hearing**

Now on this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, the Court finds that the Petition for Supervised Administration filed by Sue Brown, should be heard on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, at ten o'clock A.M. in this Court and that notice of the time and place of said hearing be given by mail to all persons interested at least ten days prior to the date of such hearing.

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

Telephone 913 555-0000

Attorneys for Executrix

*Reference:* K.S.A. 59-2208; 59-2237; 59-3206.

*Time:* When the Petition is filed.

*Comment:* Notice is discretionary with the court and exercisable pursuant to K.S.A. 59-2208.

(339)

(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, Executrix, of the Estate of Joe Brown, deceased, praying that administration of the Estate under the Kansas Simplified Estates Act be terminated; that Letters Testamentary issued under the Kansas Simplified Estates Act be revoked; that Letters Testamentary be issued to Sue Brown, without bond; and that supervised administration be ordered for the remainder of this estate.

You are required to file your written defenses thereto on or before the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_M. of said day, in said court, in the

City of \_\_\_\_\_, in \_\_\_\_\_ County, Kansas at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the Petition.

SUE BROWN

*Petitioner*

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

Reference: K.S.A. 59-2208; 59-3206.

(340)

**Affidavit of Service**

See Form 335, as to: (1) Form,  
(2) Time, and  
(3) Comment.

Reference: K.S.A. 59-2208; 59-2211; 59-3206.

(341)

(CAPTION)

**Order for Supervised Administration**

Now on this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, comes on for hearing the Petition for Supervised Administration filed herein by Sue Brown.

The Petitioner appears by her 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. That notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed herein and is hereby approved.

2. That the allegations of the Petition are true.

3. That the Estate of Joe Brown, deceased, shall be administered under the Kansas Simplified Estates Act.

4. That 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 said Last Will and Testament] and that Letters Testamentary should be issued to Sue Brown.

5. That Letters Testamentary issued to Sue Brown under the Kansas Simplified Estates Act on August 4, 19 76, should be revoked.

6. That notice to Creditors has been duly published and a proper Inventory and Valuation has been filed.

7. That 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) That the findings hereinabove be and the same are hereby made a part of the order and decree of this Court.

(B) That 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 said Last Will and Testament] and that Letters Testamentary be issued to Sue Brown.

(C) That Letters issued under the Kansas Simplified Estates Act on August 4, 19 76, are hereby revoked.

(D) That 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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-1101; 59-1104; 59-3206.

*Time:* The Order for Supervised Administration will be entered on the date fixed in the Order for Hearing, or upon adjournment thereof.

(342)

(CAPTION)

### LETTERS TESTAMENTARY

KNOW ALL MEN BY THESE PRESENTS:

The letters issued under the Kansas Simplified Estates Act on the 4th day of August, 19 76, to Sue Brown having been revoked and supervised administration having been ordered by this Court the \_\_\_\_ day of \_\_\_\_\_, 19 76, and Sue Brown, a resident of Hometown, Apache County, Kansas, named as Executrix of the Last Will and Testament of Joe Brown, deceased, having been appointed and qualified as Executrix, 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 the said county and state, this 4th day of August , 19 76 .

A. L. MANN

*Judge*

(SEAL)

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Executrix

*Reference:* K.S.A. 59-701; 59-706; 59-2227; 59-3206.

*Comment:* See Form 208 if an Intestate Estate is involved.

If the same executor or administrator is not reappointed, a new oath must be administered, see form 134.

---

(343)

### 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 144 to 154. If the estate being administered under the Kansas Simplified Estates Act is an intestate estate, see Forms 221 to 231.

---

## REFUSAL TO GRANT LETTERS OF ADMINISTRATION

<i>Title</i>	<i>Form No.</i>
Preface to Refusal to Grant Administration Forms	
Petition for Order Refusing to Grant Letters of Administration . . . . .	401
Order for Hearing . . . . .	402
Guardian Ad Litem Forms . . . . .	403
Order Refusing to Grant Letters of Administration . . . . .	404
Receipt . . . . .	405
Petition for Order Terminating Proceedings . . . . .	406
Order for Hearing . . . . .	407
Order Terminating Proceedings . . . . .	408

## 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." It is as follows: If the decedent is survived by a spouse or minor child or children, or both, and if the assets of the decedent's estate are entirely personal property and if the estate, less liens or encumbrances, does not exceed the maximum statutory allowance of \$7,500 the proceedings may be brought under 59-2287(a) (1) by the spouse or on behalf of the minor children, or both. The committee has drafted forms for the "surviving spouse/minor children situation."

The second situation is covered by K.S.A. 59-2287(a) (2) and can be called the "creditor situation." It is as follows: If the decedent is not survived by either a spouse or minor children, and if the assets of the decedent's estate, less liens and encumbrances, does not exceed \$2,000, and at least a part of the decedent's estate is real property the proceedings under 59-2287(a) (2) apply and can be brought by a creditor. The committee has not prepared forms for the "creditor situation."

(401)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

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

No. 9000

(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

## Petition for Order Refusing to Grant Letters of Administration

Comes Now Jane Green and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 3, Hometown, Kansas 66650.

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

3. That Frank Green died intestate at Hometown, Kansas, on the 3rd day of June, 19 76; that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States.

4. That 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 and Address</i>
<u>Jane Green</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 3, Hometown, Kansas 66650</u>
<u>Frank Green</u>	<u>16 years</u>	<u>Son</u>	<u>Route 3, Hometown, Kansas 66650</u>
<u>Sue Green</u>	<u>14 years</u>	<u>Daughter</u>	<u>Route 3, Hometown, Kansas 66650</u>

[5. That 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 and Address</i>
(NONE)			

6. That 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>
(NONE)		

7. That so far as known or can with reasonable diligence be ascertained decedent had no spouse or children or adopted children or issue of deceased children, natural or adopted, or other heirs who survived him, other than the persons named herein.

8. That 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):

	<i>Value</i>
(1) <u>Furniture</u> ,.....	<u>\$500.00</u>
(2) <u>Household Goods</u> ,.....	<u>\$500.00</u>
(3) <u>Wearing Apparel</u> ,.....	<u>\$500.00</u>
(4) <u>Automobile (1975 Ford 2-dr Sedan, Id. No. 12345)</u> ,.....	<u>\$2,000.00</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) <u>Money due from ABC Corporation</u> ,.....	<u>\$200.00</u>

[9. That Petitioner, pursuant to K.S.A. 59-621, delivers herewith a written instrument dated \_\_\_\_\_, 19 \_\_\_\_, purporting to be the Last Will and Testament of Frank Green , deceased.]

WHEREFORE, Petitioner prays that the Court find that 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, and that an Order be issued refusing to grant letters of administration.

\_\_\_\_\_  
JANE GREEN  
*Petitioner*

## (VERIFICATION)

See Form 103

## SUBMITTED BY:

PLEADER, PLEADER &amp; TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

---

*Reference:* K.S.A. 59-403; 59-621; 59-2222; 59-2287.

*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.

---

(402)

ORDER FOR HEARING See Form 114, 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.

---

(403)

## Guardian Ad Litem Forms

The forms relating to appointment of Guardians ad litem are numbered 117 to 121, and are titled as follows:

*Form No.* Title

- |     |   |
|-----|---|
| 117 | Petition for Appointment of Guardian Ad Litem                 |
| 118 | Order for Hearing   |
| 119 | Order Appointing Guardian Ad Litem                            |
| 120 | Voluntary Entry of Appearance and Waiver of Notice (and Bond) |
| 121 | Written Defenses of Guardian Ad Litem                         |
-

(404)

(CAPTION)

## Order Refusing to Grant Letters of Administration

Now on this 1st day of July, 19 76, comes on for hearing the Petition for Order Refusing to Grant Letters of Administration, filed herein by Jane Green.

The Petitioner appears in person and by her attorneys, Pleader, Pleader & Tryor, Jane Green and Frank Green, minors, appear by their guardian ad litem, M. R. Docket. 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) That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, [devises and legatees].

(2) That Notice of this hearing has been 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) That the allegations of the Petition are true.

(4) That Frank Green died intestate at Hometown, Kansas on the 3rd day of June, 19 76; that at the time of his death he was a resident of Apache County, Kansas and a citizen of the United States.

(5) That Frank Green was survived by the following named persons who, so far as known or can with reasonable diligence be ascertained, are all of his heirs:

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

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

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

(8) That 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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of this Court.

(B) That the following described personal property:

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

	<i>Value</i>
(1) <u>Furniture,</u> .....	<u>\$500.00</u>
(2) <u>Household Goods,</u> .....	<u>\$500.00</u>
(3) <u>Wearing Apparel,</u> .....	<u>\$500.00</u>
(4) <u>Automobile (1975 Ford 2-dr Sedan, Id. No. 12345),</u> .....	<u>\$2,000.00</u>

(b) Pursuant to K.S.A. 59-403(2):

(5) 100 Shares XYZ Corporation Stock with a value of \$50 per Share. . . . \$5,000.00

(6) Money due from ABC Corporation, . . . . . \$200.00

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

(C) That 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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-401; 59-403; 59-2287; 59-2289.

*Comment:* The Probate 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.

(405)

### Receipt

See Form 153, as to: (1) Form (generally).

(406)

(CAPTION)

### Petition for Order Terminating Proceedings

Comes Now Jane Green and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 3, Hometown, Kansas 66650.

2. That the State of Kansas has determined that there is no inheritance tax liability.

3. That the costs due this court have been paid.

4. That 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 said Estate.

JANE GREEN

*Petitioner*

## (VERIFICATION)

See Form 103

## SUBMITTED BY:

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

---

*Reference:* K.S.A. 59-2287.

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

---

(407)

Order for Hearing See Form 118, as to:

- (1) Form, and
  - (2) Time.
- 

*Reference:* K.S.A. 59-2287; 59-2288.

(408)

## (CAPTION)

**Order Terminating Proceedings**

Now on this 15th day of July, 19 76, 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. That notice of time and place of hearing is not necessary or required by law.
- or

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

- 2. That the State of Kansas has determined that there is no inheritance tax liability.
- 3. That the costs due this Court have been paid.
- 4. That appropriate receipts have been filed herein.
- 5. That 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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of this Court.

(B) That unless further Estate of the decedent be discovered all further settlements and other proceedings concerning the Estate be dispensed with.

(C) That the surviving spouse and decedent's minor children are relieved of any further obligations with respect to said Estate.

A. L. MANN

*Judge*

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-2287.

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

---

## DESCENT PROCEEDINGS

TITLE	FORM NO.
Petition for Determination of Descent . . . . .	501
Order for Hearing . . . . .	502
Notice of Hearing. . . . .	503
Affidavit of Service. . . . .	504
Affidavit of Publication . . . . .	505
Proceedings for Appointment of Guardians Ad Litem . . . . .	506
Proceedings Under Soldiers' and Sailors' Civil Relief Act . . . . .	507
Decree of Descent . . . . .	508

(501)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of }

JOE SMITH , Deceased }No. 6000

(Petition Pursuant to Chapter 59 of Kansas Statutes Annotated)

## Petition for Determination of Descent

COMES NOW SARAH SMITH and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 1, Hometown, Kansas 66648.

2. That the Petitioner has an interest in decedent's Estate as the widow and one of the heirs of Joe Smith , deceased, and as the owner of an interest in the real estate and personal property hereinafter described.

3. That Joe Smith died at Hometown, Kansas , on the 3rd day of July , 19 76 ; that more than nine months have expired since the date of his death; that at the time of his death he was a resident of Apache County, Kansas and a citizen of the United States.

4. That no petition has been filed for the probate of a Will of Joe Smith nor administration commenced in this state.

5. That 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 and Address
<u>Sara Smith</u>	<u>Adult</u>	<u>Wife</u>	<u>Route 1, Hometown, Kansas 66648</u>
<u>Woodrow Smith</u>	<u>Adult</u>	<u>Son</u>	<u>1918 South Broadway, Metropolis, Kansas 66625</u>
<u>Theodore Smith</u>	<u>Adult</u>	<u>Son</u>	<u>Route 1, Hometown, Kansas 66648</u>
<u>Eleanor Smith</u>	<u>Adult</u>	<u>Daughter</u>	<u>Route 1, Hometown, Kansas 66648</u>

6. That so far as known or can with reasonable diligence be ascertained the decedent had no spouse or children or adopted children or issue of deceased children, natural or adopted, or other heirs who survived him, other than the persons above named.

7. That at the time of his 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. That at the time of his death the decedent owned the following described personal property:

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

WHEREFORE, the Petitioner prays that the Court fix a time and place for the hearing of this Petition, and provide for giving of notice thereof; that 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 his death; that the Court assign it to the persons entitled thereto.

SARA SMITH

*Petitioner*

### VERIFICATION

See Form 103

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

*Reference:* K.S.A. 59-511; 59-2202; 59-2250.

*Time:* After nine months from the date of death.

(502)

### Order for Hearing

See Form 145, as to: (1) Form, and  
(2) Time.

*Reference:* K.S.A. 59-2209; 59-2251.

(503)

First published in the Metropolis Herald, Tuesday the 14th day of July, 19 77.

### 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, widow and one of the heirs of Joe Smith, deceased, praying:

That 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 his death.

You are required to file your written defenses thereto on or before the 10th day of August, 19 77, at ten o'clock A.M. of said day, in said Court, in the City of Metropolis, in Apache County, Kansas, at which time and place said 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

Telephone 913 555-0000

Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Tuesdays commencing the 14th day of July, 19 77. 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:* 59-2209; 59-2210; 59-2251.

*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.

(504)

#### Affidavit of Service

See Form 106, as to: (1) Form (generally) (omit bracketed material),  
(2) Time, and  
(3) Comment.

*Reference:* K.S.A. 59-2209; 59-2211; 59-2251.

(505)

#### Affidavit of Publication

See Form 107, as to: (1) Form,  
(2) Time, and  
(3) Comment.

Reference: K.S.A. 59-2209; 59-2211; 59-2222; 59-2251; 64-101.

---

(506)

**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 117 to 121 and are titled as follows:

*Form No. Title*

- |     |   |
|-----|---|
| 117 | Petition for Appointment of Guardian Ad Litem                 |
| 118 | Order for Hearing   |
| 119 | Order Appointing Guardian Ad Litem                            |
| 120 | Voluntary Entry of Appearance and Waiver of Notice (and Bond) |
| 121 | Written Defenses of Guardian Ad Litem                         |
- 

(507)

**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 122 to 127 and are titled as follows:

*Form No. Title*

- |     |   |
|-----|---|
| 122 | Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act   |
| 123 | Petition for Appointment of Attorney Pursuant to Soldiers' and Sailors' Civil Relief Act                              |
| 124 | Order for Hearing   |
| 125 | Order Appointing Attorney to Represent Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act    |
| 126 | Voluntary Entry of Appearance and Waiver of Notice (and Bond)   |
| 127 | Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' and Sailors' Civil Relief Act |
- 

(508)

(CAPTION)

**Decree of Descent**

Now on this 10th day of August, 19 77, comes on for hearing the Petition for Determination of Descent filed by Sara Smith, widow and one of the heirs of Joe Smith, deceased.

The Petitioner appears in person and by her 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. That due diligence has been exercised in the search for names, ages, relationships, residences and addresses of heirs.

2. That notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed and is hereby approved.

3. That the allegations of the Petition are true.

4. That 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. That Joe Smith died at Hometown, Kansas, on the 3rd day of July, 19 76; that more than nine months have expired since date of decedent's death; that at the time of his death he was a resident of Apache County, Kansas and a citizen of the United States.

6. That no petition has been filed for the probate of a Will of Joe Smith nor administration commenced in this state.

7. That the names, ages and relationships of the heirs who are entitled to the Estate and their respective proportions are:

Name	Age	Relationship	Proportion
Sara Smith	Adult	Wife	$\frac{1}{2}$
Woodrow Smith	Adult	Son	$\frac{1}{6}$
Theodore Smith	Adult	Son	$\frac{1}{6}$
Eleanor Smith	Adult	Daughter	$\frac{1}{6}$

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

9. That at the time of his 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 80 West.

10. That at the time of his death the decedent owned the following described personal property:

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

11. That all taxes imposed by the state of Kansas and by the United States have been paid.

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

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

(B) That the title to all of the interests of Joe Smith, deceased, in and to the real and personal property hereinabove described and all other personal property and Kansas real estate owned by the decedent at his death on the 3rd day of July, 19 76, descended from him to his heirs at law in the following proportion:

Name	Proportion
<u>Sara Smith</u>	$\frac{1}{2}$
<u>Woodrow Smith</u>	$\frac{1}{6}$
<u>Theodore Smith</u>	$\frac{1}{6}$
<u>Eleanor Smith</u>	$\frac{1}{6}$

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

A. L. Mann

Judge

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-2251; 79-1529.

*Time:* At time fixed in Notice or adjournment therefrom.

*Comment:* No decree shall be entered until after the determination and payment of inheritance tax, if any.

No decree should be entered until after determination and payment of federal estate tax, if any.

---

## FOREIGN WILL

Petition to Admit Foreign Will to Probate and Record. . . . .	601
Order for Hearing . . . . .	602
Notice of Hearing. . . . .	603
Affidavit of Service. . . . .	604
Affidavit of Publication . . . . .	605
Affidavit Pursuant to Soldiers' and Sailors' Civil Relief Act. . . . .	606
Order Admitting Authenticated Copy of Foreign Will to Probate and Record. . . . .	607

(601)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of }

No. 7000SAM SAUSAGE , Deceased

(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

## Petition to Admit Foreign Will to Probate and Record

COMES NOW ANN SAUSAGE and alleges:

1. That she is a resident of Apache County, Kansas, and her address is Route 2, Hometown, Kansas 66648 ; that she is named as beneficiary , in the decedent's Last Will and Testament, dated July 3 , 19 69 .

2. That the Petitioner has an interest in decedent's Estate as a devisee and legatee in the Last Will and Testament of Sam Sausage , deceased.

3. That Sam Sausage died testate at Oldtown, Arizona , on July 15 , 19 75 ; that more than nine months have expired since the date of his death; that at the time of his death he was a resident of Jackson County, Arizona , and a citizen of the United States.

4. That the decedent's Last Will and Testament was admitted to probate in and by the Probate Court of Jackson County, Arizona , on July 30, 1975 , and that the order of said Court admitting said Will to probate remains in full force.

5. That there is filed herewith, and made a part of this Petition by reference thereto, 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, to wit:

a. Will, executed, proved and admitted to probate according to the laws of the state of Arizona .

b. Order Admitting Will to Probate.

6. That there is property in Apache County, Kansas, upon which said Will may operate; that said Will has not been admitted to Probate in any other County of this State; that no administration of said Estate in Kansas is necessary; that the general character and probable value of the decedent's Estate in this State are:

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. That the decedent was survived by the following named persons who, so far as known or can with reasonable diligence be ascertained, are all of his heirs:

<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, Kansas 66649</u>
<u>George Sausage</u>	<u>Adult</u>	<u>Nephew</u>	<u>Route 3, Hometown, Kansas 66650</u>

8. That so far as known or can with reasonable diligence be ascertained the decedent had no spouse or children or adopted children or issue of deceased children, natural or adopted, or other heirs who survived him, other than the persons above named.

9. That the decedent was survived by the following named persons who are all of his 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, Kansas 66649</u>
<u>George Sausage</u>	<u>Adult</u>	<u>Nephew</u>	<u>Route 3, Hometown, Kansas 66650</u>

10. That the Last Will and Testament of the decedent should be construed to distribute the Estate as follows:

- (a) Specific bequest of undivided one-half interest in above described real estate to Ann Sausage.
- (b) Specific bequest of undivided one-half interest in above described real estate to George Sausage.

WHEREFORE, the Petitioner prays that the above mentioned foreign probated Will of Sam Sausage, deceased, be admitted to probate and record in this Court; that the Court finds that no administration in the Estate is necessary; that the Will be construed and the Kansas real estate owned by the decedent be assigned in accordance with the terms of said Will.

ANN SAUSAGE

*Petitioner*

#### VERIFICATION

(See Form 103)

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

*Reference:* K.S.A. 59-511; 59-803; 59-S04; 59-805; 59-806; 59-807; 59-808; 59-809; 59-2202; 59-2220; 59-2221; 59-2229; 59-2230; 59-2247.

*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 nine 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 nine months have expired from date of death.

(602)

**Order for Hearing**

See Form No. 145, as to: (1) Form and,  
(2) Time.

---

*Reference:* K.S.A. 59-2209; 59-2222; 59-2229; 59-2247.

*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, it is necessary that notice be published pursuant to K.S.A. 59-2209.

---

(603)

First published in the Metropolis Herald , Monday , the 20th day of August , 19 76 .

**IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS**

In the Matter of the Estate of

}

No. 7000

SAM SAUSAGE , Deceased

**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, be admitted to probate and record in this Court, that no administration of this Estate is necessary; that the will be construed; that 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 said Will.

You are required to file your written defenses thereto on or before the 10th day of September , 19 76 , at ten o'clock A .M. of said day, in said Court, in the City of Metropolis , in Apache County, Kansas, at which time and place said 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

Telephone 913 555-0000

Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Mondays , commencing the 20th day of August , 19 77 . Immediately after the first publication, please forward \_\_\_\_ copies of the above and foregoing 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.

---

*Reference:* K.S.A. 59-2209; 59-2210; 59-2247.

*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.

---

(604)

**Affidavit of Service**

See Form No. 106, as to: (1) Form (omit bracketed material), and  
(2) Time.

---

*Reference:* K.S.A. 59-2209; 59-2211.

---

(605)

**Affidavit of Publication**

See Form No. 107, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(606)

**Affidavit Pursuant to Soldiers' and Sailors'  
Civil Relief Act**

See Form 122, as to: (1) Form,  
(2) Reference, and  
(3) Comment.

---

(607)

(CAPTION)

**Order Admitting Authenticated Copy of  
Foreign Will to Probate and Record**

Now on this 15th day of September, 19 76, comes on for hearing the Petition to Admit Foreign Will of Sam Sausage to probate and record, filed herein by Ann Sausage.

The Petitioner appears in person and by her 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. That 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 that proof thereof has been duly filed herein and is hereby approved.

2. That the allegations of the Petition are true.

3. That 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. That Sam Sausage died testate at Oldtown, Arizona, on July 15, 1975; that more than nine months have expired since the date of death; that at the time of his death he was a resident of Jackson County, Arizona, and of the United States.

5. That the testator left a Last Will and Testament, which was duly executed, proved and admitted to probate according to the laws of Arizona, on the 15th day of July, 19 76, in the Probate Court of Jackson County, Arizona; that 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 that the order of said Court is still in full force and effect.

6. That the testator left the following described real estate 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.

7. That all taxes imposed by the state of Kansas and by the United States have been paid.

8. That no administration of said Estate in Kansas is necessary.

9. That 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 ½ interest</u>
<u>George Sausage</u>	<u>Undivided ½ interest</u>

IT IS HEREBY CONSIDERED, ORDERED, ADJUDGED AND DECREED:

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

(B) That the above authenticated copy of the Last Will and Testament of Sam Sausage, deceased, be and the same is hereby admitted to probate and record in the Probate Court of Apache County, Kansas.

(C) That 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 herein construed, as follows:

<i>Name</i>	<i>Interest</i>
<u>Ann Sausage</u>	<u>Undivided ½ interest</u>
<u>George Sausage</u>	<u>Undivided ½ interest</u>

A. L. MANN

*Judge*

APPROVED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

---

*Reference:* K.S.A. 59-804; 59-806; 59-2230; 59-2247; 59-2249.

---

SPECIAL ADMINISTRATION

Petition for Appointment of Special Administrator . . . . .	701
Order for Hearing . . . . .	702
Order Appointing Special Administrator . . . . .	703
Oath of Special Administrator . . . . .	704
Bond of Special Administrator . . . . .	705
Letters of Special Administration . . . . .	706
Petition for Order Approving Accounting and Closing Special Administration . . . . .	707
Order for Hearing . . . . .	708
Order Approving Accounting and Closing Special Administration . . . . .	709
Receipt for Property Delivered . . . . .	710
Journal Entry of Final Discharge of Special Administrator . . . . .	711

(701)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of }

No. 4000

JOHN DOE , Deceased

(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

Petition for Appointment of Special Administrator

COMES NOW Mary Doe and alleges:

1. That she is a resident of Apache County, Kansas, and that her address is Route 1, Hometown, Kansas 66648 .

2. That she is the widow and heir at law of the decedent .

3. That John Doe died at Hometown, Kansas , on the 3rd day of July , 19 76 , that at the time of his death he was a resident of Apache County, Kansas, and a citizen of the United States.

4. That decedent owned at the time of his 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 he also operated and which consists of a substantial inventory of fruit, vegetables and other perishable products, and the operation of said business should be continued for the purpose of avoiding a substantial or total loss thereof.

5. That a Special Administrator should be appointed forthwith to perform the following duties until a further Order of the Court:

- (a) To harvest the growing crops owned by the decedent at the time of his death; to sell and dispose of the harvested grain by current, customary and practical methods; and to pay from the proceeds of said sale all necessary expenses incurred in the harvesting and sale thereof.
- (b) To take into his possession the retail produce business owned and operated by the decedent at the time of his death, continue to manage, conduct and operate the same in such manner and to such extent as he shall determine to be in the best interests of decedent's Estate.

7. That Theodore R. Doe , a resident of the State of Kansas, and whose address is 1120 Main Street , Metropolis , Kansas, 66625 , is a fit and proper person to be appointed Special Administrator of the Estate of John Doe , deceased, and that upon his 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 to him.

WHEREFORE, Petitioner prays that Theodore R. Doe be appointed Special Administrator of the Estate of John Doe, deceased; that Letters of Special Administration granting the specific authority above requested be issued to him upon his qualifying by filing with this Court an oath and such bond as the Court may require.

\_\_\_\_\_  
MARY DOE

*Petitioner*

(VERIFICATION)

See Form 103

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

*Reference:* K.S.A. 59-710; 59-2202.

*Time:* May be filed prior to or 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 No. 721 for form of corporate verification.

\_\_\_\_\_  
(702)

(CAPTION)

### Order for Hearing

Now on this 5<sup>th</sup> day of July, 19 76, the Court finds that the Petition for Appointment of Special Administrator filed by Mary Doe should be set for immediate hearing, and that 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  
Telephone 913 555-0000  
Attorneys for Petitioner

*Reference:* K.S.A. 59-710; 59-2204; 59-2208.

*Time:* The Petition must be set for hearing, but may be heard immediately, unless the Court requires notice.

(703)

(CAPTION)

## Order Appointing Special Administrator

Now on this 5th day of July, 19 76, comes on for hearing the Petition for Appointment of Special Administrator filed herein by Mary Doe. The Petitioner appears in person and by her 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. That notice of the time and place of hearing is not necessary or required by law.

2. That the allegations of the Petition are true.

3. That John Doe, a resident of Apache County, Kansas, died on July 3, 1976, leaving an Estate to be administered.

4. That decedent owned at the time of his 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 he also operated and which consists of a substantial inventory of fruit, vegetables and other perishable products, and the operation of said business should be continued for the purpose of avoiding a substantial or total loss thereof.

5. That a Special Administrator should be appointed to perform the following duties until a further Order of the Court:

(a) To harvest the growing crops owned by the decedent at the time of his death, to sell and dispose of the harvested grain by current, customary and practical methods; and to pay from the proceeds of said sale all necessary expenses incurred in the harvesting and sale thereof.

(b) To take into his possession the retail produce business owned and operated by the decedent at the time of his death, continue to manage, conduct and operate the same in such manner and to such extent as he shall determine to be in the best interests of decedent's Estate.

6. That Theodore R. Doe, a resident of Metropolis, Apache County, Kansas, is a fit and proper person to be appointed Special Administrator of said Estate.

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

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

(B) That Theodore R. Doe be and he is hereby appointed Special Administrator of the Estate of John Doe, deceased, and that upon the filing of an oath and bond in the amount of \$5,000, Letters of Special Administration stating the specific duties hereinabove enumerated issue to him.

A. L. MANN

*Judge*

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-710; 59-1402.

*Time:* On date fixed for hearing, or any adjournment therefrom.

*Comment:* If bond is required, see K.S.A. 59-1101 and 59-1102.

(704)

(CAPTION)

### Oath of Special Administrator

State of Kansas

County of Apache

} ss:

I, Theodore R. 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 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 this 5th day of July, 19 76.

A. L. MANN

*Judge*

(SEAL)

*Reference:* K.S.A. 59-1702.

*Time:* Prior to issuance of Letters of Special Administration.

*Comment:* The oath should contain specific language of Statute, K.S.A. 59-1702.

(705)

(CAPTION)

### Bond of Special Administrator

KNOW ALL MEN BY THESE PRESENTS:

That we, Theodore R. Doe, as principal and N. M. Hanna as surety, are held and firmly bound unto the State of Kansas in the sum of \$5,000, to the payment of which, well and truly to be made, we bind ourselves, our executors, administrators and successors firmly by these presents.

The condition of the above obligation is such that whereas the above bounden Theodore R. Doe has been duly appointed by the District Court of Apache County, Kansas, Special Administrator of the Estate of John Doe, deceased.

Now if Theodore R. Doe, the said Special Administrator shall faithfully discharge all the duties of his trust according to law, then this obligation shall be void; otherwise shall remain in full force and effect.

Dated and signed by us this 5th day of July, 19 76.

THEODORE R. DOE

*Principal*

N. M. HANNA

*Surety*

## VERIFICATION OF SURETY

State of Kansas

} ss:

County of Apache

I, N. M. HANNA, being duly sworn, on my oath state: That 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 this 5th day of July, 19 76 .

A. L. MANN

*Judge*

(SEAL)

The above bond taken and approved by me this 5th day of July, 19 76 .

A. L. MANN

*Judge*

(SEAL)

*Reference:* K.S.A. 59-710; 59-1101; 59-1102.

*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 No. 207 generally.

(706)

(CAPTION)

## Letters of Special Administration

KNOW ALL MEN BY THESE PRESENTS:

That 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. To harvest the growing crops owned by the decedent at the time of his death; to sell and dispose of the harvested grain by current, customary and practical methods; and to pay from the proceeds of said sale all necessary expenses incurred in the harvesting and sale thereof.
2. To take into his possession the retail produce business owned and operated by the decedent at the time of his death, continue to manage, conduct and operate the same in such manner and to such extent as he shall determine to be in the best interests of decedent's Estate.

IN WITNESS WHEREOF, I, A. L. MANN, District Judge of said county and state, have hereunto subscribed my name and affixed the seal of said Court in Metropolis, Apache County, Kansas, this 5th day of July, 19 76 .

A. L. MANN

*Judge*

(SEAL)

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
Telephone 913-555-0000  
Attorneys for Special Administrator

---

*Reference:* K.S.A. 59-710.

*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.

To assist persons and organizations receiving copies of Letters of Special Administration to communicate relative to the decedent's estate and facilitate the court recording, the name and address of attorneys representing the Special Administrator should appear on the pleading.

---

(707)

(CAPTION)

**Petition for Order Approving Accounting and Closing Special Administration**

COMES NOW Theodore R. Doe Special Administrator, and alleges:

1. That Letters of Special Administration were granted to him on July 5, 19 76.

2. That a complete and accurate account of his administration as Special Administrator is attached hereto, marked Exhibit "A", incorporated herein by reference, and should be settled and allowed by the Court.

3. That Letters Testamentary were granted to Mary Doe on the 4th day of August, 19 76, and that there is no need for further Special Administration.

4. That the Petitioner has performed valuable services in said Estate as Special Administrator, and shows he has employed Pleader, Pleader & Tryor, as his attorneys; that these attorneys have performed valuable services in this Estate and that an allowance should be made for his services and the services of said attorneys as follows:

(a) To the Special Administrator for his compensation in the sum of \$\_\_\_\_\_ and expenses in the sum of \$\_\_\_\_\_.

(b) To the Special Administrator for his attorneys' fees in the sum of \$\_\_\_\_\_ and their expenses in the sum of \$\_\_\_\_\_.

5. That 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, Executrix of the said Estate.

WHEREFORE, Petitioner prays that his account be settled and allowed and that this Special Administration be closed; that the Court find that the allowances requested for Special Administrators compensation and expenses, attorneys' fees and expenses are reasonable and should be allowed; that the Court costs be determined and ordered paid; that said allowances, fees and costs be ordered paid by Petitioner from funds in his hands belonging to decedent's Estate; that the remaining cash on hand, together with all other property accounted for herein, be ordered paid and delivered to Mary Doe, Executrix of the Estate of John Doe,

deceased; and that upon the filing of receipts herein evidencing such payment and delivery, Petitioner and the surety on his bond be discharged from any and all further duties or liabilities in the premises.

THEODORE R. DOE

*Petitioner*

State of Kansas

} ss:

County of APACHE

Theodore R. Doe, of lawful age, being first duly sworn, on his oath states:

That he is the Petitioner above named; that he has read the above Petition for Order Approving Accounting and Closing Special Administration and the attached Accounting; that he knows the content thereof, and that all the statements made therein are true.

THEODORE R. DOE

SUBSCRIBED AND SWORN TO before me this 4th day of August, 19 76.

NEVA WRIGHT

*Notary Public*

(SEAL)

My Appointment Expires:

January 10, 1978

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Special Administrator

*Reference:* K.S.A. 59-710; 59-1502; 59-1703; 59-1717; 59-1718; 59-2208.

*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 to 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 that notice be given and proof of service made thereof.

If the Petition is to be heard without notice, see Form No. 702. If notice by mail is required, see Form No. 145, Order for Hearing, and Form No. 107, Affidavit of Service.

(To be attached to Petition as an Exhibit)  
 Account of THEODORE R. DOE Special Adminis-  
 trator of the Estate of JOHN DOE Deceased  
July 3, 1976—July 24, 1976

## Receipts

<i>Date</i>	<i>Received From</i>	<i>Explanation</i>	<i>Amount</i>
7-5-76	The Hometown State Bank, Hometown, Ks.	Proceeds from decedent's produce business checking account. . . . .	\$1,000.00
7-6-76	The Hometown Grain Company, Hometown, Kansas	Sale of wheat—3,000 bush- els at \$1.50. . . . .	4,500.00
7-7-76	The Hometown Grain Company, Hometown, Kansas	Sale of wheat— 2,650 bushels at \$1.48 . . . . .	3,922.00
7-8-76	The Hometown Grain Company, Hometown, Kansas	Sale of wheat—4,050 bush- els at \$1.40. . . . .	5,670.00
7-9-76	The Hometown Grain Company, Hometown, Kansas	Sale of wheat—2,800 bush- els at \$1.40. . . . .	3,920.00
7-10-76	Doe's Produce Store, Hometown, Kansas	Proceeds from operation of business July 3 through July 9. . . . .	1,400.90
7-13-76	Frank Smith, Hometown, Kansas	Collection of account owed to decedent's produce busi- ness . . . . .	250.00
7-17-76	Doe's Produce Store, Hometown, Kansas	Proceeds from operation of business July 10 through July 16. . . . .	1,700.00
7-23-76	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

<i>Date</i>	<i>Paid To</i>	<i>Purpose</i>	<i>Amount</i>
7-10-76	John Corn, Hometown, Kansas	Salary of employee of pro- duce business. . . . .	\$200.00

## JUDICIAL COUNCIL BULLETIN

139

7-10-76	Mary Peach, Hometown, Kansas	Salary of employee of produce business. . . . .	100.00
7-10-76	Orval Pear, Hometown, Kansas	Salary of employee of produce business. . . . .	100.00
7-10-76	Wholesale Produce Company, Metropolis, Kansas	Produce purchased for business. . . . .	500.00
7-10-76	Clean Cut Harvesters, Open Range, Texas	Payment for combining . .	2,250.00
7-10-76	I. M. Trucker, Hometown, Kansas	Payment for hauling grain	\$1,250.00
7-15-76	City of Hometown, Hometown, Kansas	Water bill for produce business. . . . .	40.00
7-15-76	Bright Light Company, Hometown, Kansas	Electric bill for produce business. . . . .	200.00
7-15-76	Blue Flame Gas Company, Hometown, Kansas	Gas Bill for produce business. . . . .	75.00
7-15-76	High Pole Telephone Company, Hometown, Kansas	Telephone bill for produce business. . . . .	25.00
7-24-76	John Corn, Hometown, Kansas	Salary of employee of produce business. . . . .	200.00
7-24-76	Mary Peach, Hometown, Kansas	Salary of employee of produce business. . . . .	100.00
7-24-76	Orval Pear, Hometown, Kansas	Salary of employee of produce business. . . . .	100.00
7-24-76	Wholesale Produce Company, Metropolis, Kansas	Produce purchased for business. . . . .	650.00
7-24-76	John Corn, Hometown, Kansas	Salary of employee of produce business. . . . .	200.00
7-24-76	Mary Peach, Hometown, Kansas	Salary of employee of produce business. . . . .	100.00
7-24-76	Orval Pear, Hometown, Kansas	Salary of employee of produce business. . . . .	100.00
7-24-76	Wholesale Produce Company, Metropolis, Kansas	Produce purchased for business. . . . .	500.00
Total Disbursements. . . .			\$6,690.00

## RECAPITULATION

Total Receipts . . . . .	\$23,862.90
Total Disbursements . . . . .	6,690.00
Balance on Hand . . . . .	\$17,172.90

The above stated balance on hand is carried in a checking account with The 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, follows:

- (a) Retail produce business, including merchandise inventory and all other assets pertaining thereto.
- (b) One Thousand (1,000) bushels of wheat (current harvest) stored on land belonging to decedent's Estate.

(708)

## Order for Hearing

See Form No. 702 as to: (1) Form.

*Reference:* K.S.A. 59-710; 59-2204; 59-2208.

*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 No. 145, 146 and 147.

(709)

(CAPTION)

**Order Approving Accounting  
and Closing Special Administration**

Now on this 4th day of August , 19 76 , 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 his attorneys, Pleader, Pleader & Tryor , Mary Doe , Executrix , 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. That notice of the time and place of hearing is not necessary or required by law.

2. That the allegations of the Petition are true.

3. That Theodore R. Doe is the appointed, qualified and acting Special Administrator of the Estate of John Doe , deceased.

4. That the Accounting of the Special Administrator filed herein is true and correct and should be settled and allowed.

5. That Letters Testamentary were issued to Mary Doe on the 4th day of August , 19 76 , and there is no need for further Special Administration.

6. That Theodore R. Doe is entitled to compensation for his services as Special Administrator; that he has employed Pleader, Pleader & Tryor as his attorneys in this

Estate; that there are no other costs due this Court; that the following fees, expenses and costs are reasonable and should be paid:

- (a) To the Special Administrator for his services in the sum of \$\_\_\_\_\_ and his expenses in the sum of \$\_\_\_\_\_.
- (b) To the Special Administrator for his attorneys' fees in the sum of \$\_\_\_\_\_.
- (c) To the court for costs in the amount of \$\_\_\_\_\_.

7. That after the payment of compensation, attorney fees and costs, the remaining cash on hand in the amount of \$\_\_\_\_\_, together with all other property accounted for herein, should be paid and delivered to Mary Doe, Executrix of the Estate of John Doe, deceased.

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

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

(B) That the Accounting of the Special Administrator be and it is hereby settled and allowed; that the Petitioner pay to himself compensation for his services and expenses as Special Administrator, and a fee and expense to Pleader, Pleader & Tryor, his attorneys, the sum hereinabove stated; that he pay to the Court the costs of said Special Administration; and that all of said sums be paid from funds belonging to decedent's Estate.

(C) That the remaining cash on hand, together with all other property accounted for herein, be paid and delivered to Mary Doe, Executrix of the Estate of John Doe, deceased; that said Special Administration be closed; that upon the filing of receipts herein, evidencing payment and delivery as authorized and directed, the Special Administrator be discharged and that he and the surety on his bond be released from any and all further liability herein.

A. L. MANN

*Judge*

(SEAL)

SUBMITTED BY:

PLEADER PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Special Administrator

*Reference:* K.S.A. 59-710; 59-1717; 59-1718.

*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.

(710)

(CAPTION)

### Receipt for Property Delivered

I, the undersigned Executrix of the Estate of John Doe, deceased, have received of Theodore R. Doe, Special Administrator, the sum of \$\_\_\_\_\_, together with

all other property belonging to decedent's Estate, as enumerated in his Accounting approved by the Court on the 4th day of August, 19 76.

Dated this 4th day of August, 19 76.

MARY DOE

*Executrix*

---

*Reference:* K.S.A. 59-710; 59-1505; 59-1718.

*Time:* Prior to the Order Discharging Special Administrator.

*Comment:* Before discharge, the Special Administrator should file receipts showing that he has complied with the Order Approving Accounting and Closing Special Administration.

---

(711)

(CAPTION)

**Journal Entry of Final Discharge of Special Administrator**

Now on this 4th day of August, 19 76, the Court finds that 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, 1976.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that Theodore R. Doe, Special Administrator, be and he is hereby discharged and he [and the surety on his bond] is [are] released from any and all further liability.

A. L. MANN

*Judge*

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Special Administrator

---

*Reference:* K.S.A. 59-710; 59-1718.

*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 on his bond if applicable.

## ALLOWANCE OF DEMAND

Petition for Allowance and Classification of Demand .....	721
Order for Hearing .....	722
Notice of Hearing .....	723
Affidavit of Service .....	724
Order Allowing and Classifying Demand .....	725

(721)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of }

No. 4000

JOHN DOE , Deceased }

(Petition Pursuant to Chapter 59 of Kansas Statutes Annotated)

**Petition for Allowance and Classification of Demand**COMES NOW Ritz Mortuary, Inc. by its President R. G. Mortis , and alleges:

1. That Ritz Mortuary, Inc. is a duly licensed mortuary with its place of business at 101 Main Street, Hometown, Apache County, Kansas.
2. That it has a valid demand against the Estate of John Doe , as follows:

<u>Date</u>	<u>Item</u>	<u>Amount</u>
July 6, 1976	Funeral Service	\$3,000.00
<u>That the Estate is entitled to the following setoff: .....</u>		<u>None</u>
<u>Net Balance Due: .....</u>		<u>\$3,000.00</u>

3. That said demand for funeral service should be set for hearing, allowed and classified as a first class demand.

WHEREFORE, Petitioner prays that its 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 }

} ss:

County of ApacheR. G. Mortis , of lawful age, being first duly sworn, upon his oath, states:

That he is President of Ritz Mortuary, Inc. ; that he has read the above Petition for Allowance of Demand ; that he knows the content thereof, and that all the statements therein made are true.

R. G. MORTIS*Affiant*SUBSCRIBED AND SWORN To before me this 19th day of August , 19 76 .NEVA WRIGHT*Notary Public*

(SEAL)

My Appointment Expires:

January 10, 1978

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

---

*Reference:* K.S.A. 59-1301; 59-2237; 59-2239; 59-2240; 59-2241.

*Time:* Demands must be exhibited by filing Petition for Allowance of said Demand in the proper probate court within six 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 No. 103. If 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.

---

(722)

### ORDER FOR HEARING

See Form 338, as to: (1) Form,  
(2) Time, and  
(3) Comment.

---

*Reference:* K.S.A. 59-2208; 59-2237.

---

(723)

(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 the 5th day of September, 19 76, at ten o'clock A. M. of said day, in said Court, in the City of Metropolis, in Apache County, Kansas, at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the petition.

---

Mary Doe

*Executrix*

PLEADER, PLEADER & TRYOR  
 The Hometown State Bank Building  
 Hometown, Kansas 66648  
 Telephone 913 555-0000  
 Attorneys for Executrix

Reference: K.S.A. 59-2208; 59-2210.

(724)

### Affidavit of Service

See Form 335, as to; (1) Form,  
 (2) Time, and  
 (3) Comment.

Reference: K.S.A. 59-2208; 59-2211.

(725)

(CAPTION)

### Order Allowing and Classifying Demand

Now on this 5th day of September, 19 76, 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, Executrix, appears by her 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. That notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed herein and is hereby approved.

2. That the allegations of the Petition are true.

3. That the Petitioner's demand should be adjudicated as follows:

<u>Petitioner</u>	<u>Amount Allowed</u>	<u>Amount Disallowed</u>	<u>Classification</u>
<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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of this Court.

(B) That said 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

Telephone 913-555-5555

Attorney for Petitioner

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Executrix

---

*Reference:* K.S.A. 59-1301; 59-1302; 59-1303; 59-2237; 59-2240; 59-2241.

*Comment:* If it is desired that the allowed demands be paid prior to the expiration of the non-claim period such should be so ordered by the Court and the requirement and terms of bond, if any, should be stated.

---

STATUTORY ALLOWANCE

Petition for Statutory Allowance. . . . .	731
Order for Hearing . . . . .	732
Notice of Hearing. . . . .	733
Affidavit of Service. . . . .	734
Order for Statutory Allowance . . . . .	735
Receipt. . . . .	736

(731)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

No. 4000

JOHN DOE , Deceased

(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

Petition for Statutory Allowance

COMES NOW MARY DOE and alleges:

1. That she is a resident of Apache County, Kansas, and that her address is Route 1, Hometown, Kansas 66648 .

2. That she is the surviving spouse of the decedent; that the decedent left no minor children .

3. That certain personal property and money owned by the decedent at the time of his death as shown by the inventory and appraisal should be set apart to her for her 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 his Estate, except liens thereon existing at the time of his death.

MARY DOE

*Petitioner*

STATE OF KANSAS

} ss:

COUNTY OF APACHE

MARY DOE , of lawful age, being first duly sworn, upon her oath, states:

That she is the Petitioner above named; that she has read the above Petition to

Set Apart Statutory Allowance; that she knows the content thereof, and that all the statements therein made are true.

MARY DOE

*Petitioner*

SUBSCRIBED AND SWORN TO before me this 19th day of August, 19 76.

NEVA WRIGHT

*Notary Public*

My Appointment Expires:

January 10, 1978

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

*Reference:* K.S.A. 59-403; 59-404; 59-2235.

*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 widow'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 117 to 121).

---

(732)

### Order for Hearing

If to be heard immediately see Form 118, as to: (1) Form,  
(2) Time, and  
(3) Comment.

*Reference:* K.S.A. 59-2234.

or

If to be heard with notice see Form 338, as to: (1) Form,  
(2) Time, and  
(3) Comment.

*Reference:* K.S.A. 59-2208; 59-2237.

---

(733)

(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 his 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 her for her use and benefit as a statutory allowance free and clear of the payments of any of decedent's debts or other demands against his Estate, except liens thereon existing at the time of his death.

You are required to file your written defenses thereto on or before the 3rd day of September, 19 76, at ten o'clock A.M. of said day, in said Court, in the City of Metropolis, in Apache County, Kansas, at which time and place said 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  
Telephone 913 555-0000  
Attorneys for Petitioner

---

Reference: K.S.A. 59-2208; 59-2210.

---

(734)

## Affidavit of Service

See Form 335, as to: (1) Form,  
(2) Time, and  
(3) Comment.

---

Reference: K.S.A. 59-2208; 59-2211.

---

(735)

(CAPTION)

**Order for Statutory Allowance**

Now on this 3rd day of September, 19 76, comes on for hearing the Petition For Statutory Allowance filed by Mary Doe.

The Petitioner appears in person and by her 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. That notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed herein and is hereby approved.

2. That the allegations of the Petition are true.

3. That the Petitioner is the surviving spouse of the decedent; that the decedent left no minor children.

4. That the Petitioner is entitled to have the personal property selected by her pursuant to K.S.A. 59-403 (1), set apart to her for her use and benefit.

5. That the Petitioner is entitled to the allowance requested by her 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) That the findings hereinabove be and the same are made a part of the order and the decree of this Court.

(B) That 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) That said property shall not be liable for the payment of any of the decedent's debts or other demands against his Estate, except liens thereon existing at the time of his death.

A. L. MANN

*Judge*

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-403; 59-404; 59-2235.

*Time:* The Order will usually issue on the day of the hearing.

*Comment:* The amount of the widow'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.

---

(736)

(CAPTION)

**Receipt**

Received of Mary Doe , Executrix 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

as authorized by the Order For Statutory Allowance of this Court.

Dated this 10th day of September , 19 76 .

MARY DOE

---

*Reference:* K.S.A. 59-1718.

*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.

---

SETTING APART HOMESTEAD

Petition to Set Apart Homestead .....	741
Order for Hearing .....	742
Notice of Hearing .....	743
Affidavit of Service .....	744
Order Setting Apart Homestead .....	745

(741)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of }

No. 4000

JOHN DOE , Deceased

(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

Petition to Set Apart Homestead

COMES NOW Mary Doe and alleges:

1. That she is a resident of Apache County, Kansas, and that her address is Route 1, Hometown, Kansas 66648 .

2. That she is the surviving spouse of the decedent; that the decedent left no minor children ; that she has a homestead interest in real estate situated in Apache County, Kansas owned and occupied as a residence by the decedent and his family at the time of his 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. That said real estate, since the date of decedent's death, has been and is now occupied by said Mary Doe as a residence and the same should be set apart to her as a homestead pursuant to K.S.A. 59-401 for her 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*

(VERIFICATION)

See Form 103

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-401; 59-402; 59-2235.

*Time:* The Homestead should not be set aside until after the Inventory and Valuation is filed.

(742)

**Order for Hearing**

If to be heard immediately see Form 118, as to:

- (1) Form,
  - (2) Time, and
  - (3) Comment.
- 

Reference: 59-2235.

or

If to be heard after Notice see Form 338, as to:

- (1) Form,
  - (2) Time, and
  - (3) Comment.
- 

Reference: K.S.A. 59-2208; 59-2237.

---

(743)

(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, widow of John Doe, deceased, praying that:

The Northeast quarter of Section 26, Township 20, South, Range 30, West of 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 the 1st day of September, 19 76, at ten o'clock A.M. of said day, in said Court, in the City of Metropolis, in Apache County, Kansas, at which time and place said 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  
Telephone 913 555-0000  
Attorneys for Petitioner

---

Reference: K.S.A. 59-2209; 59-2210; 59-2235.

---

(744)

## Affidavit of Service

See Form 335, as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(745)

(CAPTION)

## Order Setting Apart Homestead

Now on this 1st day of September, 19 76, comes on for hearing the Petition to Set Apart Homestead filed by Mary Doe.

The Petitioner appears in person and by her 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. That notice of this hearing has been given as required by law and the Order of this Court and that proof thereof has been duly filed herein and is hereby approved.

or

[1. That notice of the time and place of hearing is not necessary or required by law.]

2. That the allegations of the Petition are true.

3. That Mary Doe is the surviving spouse of the decedent; that the decedent left no minor children; that real estate owned and occupied as a residence by the decedent and his family at the time of his 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. That said real estate, since the date of decedent's death, has been and is now occupied by said Mary Doe as a residence and the same should be set apart to her as a homestead pursuant to K.S.A. 59-401 for her use and benefit.

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

A. That the findings hereinabove made be and the same are hereby made a part of the order and decree of this Court.

B. That the above described real estate, together with all improvements thereon, be and the same are hereby set apart to Mary Doe as her homestead free and clear of payment of any of decedent's debts or other demands against his 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

Telephone 913 555-0000

Attorneys for Petitioner

---

*Reference:* K.S.A. 59-401; 59-2235.

*Time:* The Order will usually issue on the day of the hearing.

---

## SALE OF PERSONAL PROPERTY

(Private Sale)

<i>Title</i>	<i>Form No.</i>
Petition for Sale of Property at Private Sale . . . . .	801
Order for Hearing . . . . .	802
Notice of Hearing. . . . .	803
Affidavit of Service. . . . .	804
Order for Sale of Personal Property at Private Sale . . . . .	805
Report of Sale of Personal Property at Private Sale . . . . .	806

(Public Auction)

Petition for Sale of Personal Property at Public Auction . . . . .	811
Order for Hearing . . . . .	812
Notice of Hearing. . . . .	813
Affidavit of Service. . . . .	814
Order for Sale of Personal Property at Public Auction. . . . .	815
Notice of Sale. . . . .	816
Affidavit of Publication . . . . .	817
Report of Sale of Personal Property at Public Auction. . . . .	818

(801)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of }

No. 1234JOHN JONES , Deceased }

(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

## Petition for Sale of Personal Property at Private Sale

COMES NOW Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas, and his address is Route 2, Hometown, Kansas 66648 .

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones , deceased, by virtue of Letters of Administration granted to him by the Court on the 4th day of August , 19 76 .

3. That he has on hand the following personal property listed in the inventory and appraisal, 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) 1 1970 Ford Galaxy 2-dr., I.D. No. FD7162498, appraised at \$2,000.

(c) 1 series "E" U.S. Savings Bond No. 1000001E issued June 6, 1972 maturity value \$500.00 appraised at \$375.00.

4. That it is necessary to sell said personal property to pay debts, taxes and expenses of administration.

5. That said personal property can be sold more advantageously at private sale.

6. That the petitioner should be authorized to pay the costs of said sale.  
WHEREFORE, Petitioner prays that he be authorized to sell and convert into cash the personal property above described and to execute all instruments required to transfer the ownership thereof; that he be authorized to surrender the U.S. Savings Bond for its

cash value ; that the Court determine it is more advantageous to sell said personal property at private sale, and that he be authorized to pay the costs of said sale.

JACK O. JONES

*Petitioner*

(VERIFICATION)

See Form 103

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

---

*Reference:* K.S.A. 59-1405; 59-1407; 59-1413; 59-2204; 59-2242.

*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 he may exercise such power without order of the Court, unless the Will provides otherwise, and this form is not necessary.

In a testate estate the petition should contain an allegation in compliance with K.S.A. 59-1405.

---

(802)

**Order for Hearing**

If to be heard immediately see Form 118, as to:

- (1) Form, and
- (2) Time.

---

*Reference:* K.S.A. 59-2204; 59-2208; 59-2242.

*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 338, as to:

- (1) Form,
- (2) Time, and
- (3) Comment.

---

*Reference:* K.S.A. 59-2204; 59-2208; 59-2210; 59-2242.

---

(803)

**Notice of Hearing**

If to be heard with Notice; see Form 723, as to:

- (1) Form, and
  - (2) Reference.
- 

(804)

**Affidavit of Service**

If to be heard with Notice, see Form 335, as to:

- (1) Form,
  - (2) Time, and
  - (3) Comment.
- 

Reference: K.S.A. 59-2208; 59-2211.

---

(805)

(CAPTION)

**Order for Sale of Personal  
Property at Private Sale**

Now on this 15th day of September, 19 76, 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 his 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. That notice of the time and place of hearing is not necessary or required by law.

or

[1. That notice of this hearing has been given as required by law or the order of this court and that proof thereof has been duly filed and is hereby approved.]

2. That the allegations of the Petition are true.

3. That the Petitioner has on hand certain personal property listed in the inventory and appraisal, 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) 1 1970 Ford Galaxy 2-dr., I.D. No. FD7162498, appraised at \$2,000.00.
- (c) 1 series "E" U.S. Savings Bond No. 1000001E issued June 6, 1972 maturity value \$500.00 appraised at \$375.00.

4. That it is necessary to sell said personal property to pay debts, taxes and expenses of administration.
5. That said personal property can be sold more advantageously at private sale.
6. That the Petitioner should be authorized to pay the costs of said sale.

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

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

(B) That the Petitioner is authorized and directed to sell and convert into cash the personal property hereinbefore described and to execute all instruments required to transfer the ownership, and to surrender the U.S. Savings Bond for its cash value.

(C) That said personal property shall be sold at private sale for not less than three-fourths of the valuation [appraised value] thereof, and that the petitioner be authorized to pay the costs of said sale.

A. L. MANN

JUDGE

(SEAL)

APPROVED

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

*The Hometown State Bank Building*

*Hometown, Kansas 66648*

*Attorneys for Petitioner*

*Reference:* K.S.A 59-1407; 59-2242; 59-2243; 59-2244.

*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 appraisalment, three-fourths the appraised value pursuant to 59-1202.

806

(CAPTION)

**Report of Sale of Personal  
Property at Private Sale**

COMES NOW Jack O. Jones and reports:

1. That he is a resident of Apache, County, Kansas, and his address is Route 1, Hometown, Kansas 66648.

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted to him by the Court on the 4th day of August, 19 76.

3. That pursuant to an Order entered the 15th day of September, 19 76, he sold and surrendered the following described personal property:

<i>Property</i>	<i>Buyer</i>	<i>Date of Sale</i>	<i>Price</i>
10 shares of the common stock of the Me- tropolis Development Company, Inc.	<u>Z. Z. Smith</u>	<u>9/16/76</u>	<u>\$125.00</u>
1 1970 Ford Galaxy 2-dr. I.D. No. <u>FD7162498</u>	<u>A. S. Climber</u>	<u>9/17/76</u>	<u>\$2,000.00</u>
1 Series "E" U.S. Savings Bond No. <u>1000001E issued June 6, 1972</u>		<u>9/18/76</u>	<u>\$375.00</u>

and executed all instruments required to transfer ownership thereof.

4. That the prices and terms were the best offers for the above described property and more than three-fourths of the appraised values thereof.

5. That he did not directly or indirectly purchase any interest in the above described property and he is not interested in the purchase of the property sold by him.

6. That the sale was conducted in all respects as provided by law and the Order of this Court.

JACK O. JONES

*Administrator*

(VERIFICATION)

See Form 103

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Administrator

*Reference:* K.S.A. 59-1703; 59-2245.

*Time:* The Report must be made within thirty days of the sale.

(811)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

No. 1234

JOHN JONES, Deceased

(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

**Petition for Sale of Personal  
Property at Public Auction**

COMES NOW Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas, and his address is Route 1, Hometown, Kansas 66648.

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted to him by the Court on the 4th day of August, 19 76.

3. That he has on hand certain personal property listed in the inventory and appraisement, 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. That it is necessary to sell said personal property to pay debts, taxes and expenses of administration.

5. That said personal property can be sold more advantageously at public auction.

6. That the Petitioner should be authorized to pay the costs of said sale, including the expense of employing an auctioneer

WHEREFORE, Petitioner prays that he be authorized to sell and convert into cash the personal property above described and to execute all instruments required to transfer the ownership thereof; that the court determine it is more advantageous to sell said personal property at public auction, and that he be authorized to pay the costs of said sale, including the expense of employing an auctioneer.

JACK O. JONES

*Petitioner*

(VERIFICATION)

(See Form 103)

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

*Reference:* K.S.A. 59-1405; 59-1407; 59-1413; 59-2204; 59-2242.

*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 he may exercise such power without order of the Court, unless the Will provides otherwise, and this form is not necessary.

In a testate estate the petition should contain an allegation in compliance with K.S.A. 59-1405.

---

(812)

### Order for Hearing

See Form 338, as to; (1) Form, and  
(2) Time.

*Reference:* K.S.A. 59-2204; 59-2208; 59-2242.

*Comment:* Notice is discretionary with the Court and exercisable pursuant to K.S.A. 59-2208.

---

(813)

### Notice of Hearing

If to be heard with Notice; see Form 723, as to; (1) Form, and  
(2) Reference.

---

(814)

## Affidavit of Service

If to be heard with Notice, see Form 335, as to; (1) Form,  
(2) Time, and  
(3) Comment.

Reference: K.S.A. 59-2208; 59-2211.

(815)

(CAPTION)

Order for Sale of Personal  
Property at Public Auction

Now on this 15th day of September, 19 76 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.

The Petitioner appears in person and by his 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. That notice of the time and place of hearing is not necessary or required by law.

or

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

2. That the allegations of the Petition are true.

3. That the Petitioner has on hand certain personal property listed in the inventory and appraisalment, not subject to statutory allowance in kind, to wit:

(a) 1 1953 John Deere Tractor, serial no. XY3123, appraised at \$1,000.

(b) 1 1958 John Deere Combine, serial no. WQR 321, appraised at \$3,000.

4. That it is necessary to sell said personal property to pay debts, taxes and expenses of administration.

5. That said personal property can be sold more advantageously at public auction.

6. That the Petitioner should be authorized to pay the costs of said sale, including the expense of employing an auctioneer.

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

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

(B) That the 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) That said personal property shall be sold at public auction after notice thereof has been given as required by law and that the Petitioner be authorized to pay the costs of said sale, including the expense of employing an auctioneer.

A. L. MANN

*Judge*

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

---

*Reference:* K.S.A. 59-1407; 59-2242; 59-2243; 59-2244.

*Time:* Order may be issued without notice, on filing of petition, or with notice at such time as the Court may order.

---

(816)

First published in the Metropolis Herald , Monday , the 20th day of September , 19 76 .

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

JOHN JONES , Deceased

No. 1234

#### 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, 123, appraised at \$1,000.
- (b) 1 1958 John Deere Combine, serial no. WQR 321, appraised at \$3,000.

on the 5th day of October , 19 76 , at ten o'clock 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

Telephone 913 555-0000

Attorneys for Administrator

---

TO THE PUBLISHER: Please publish for two consecutive Mondays , commencing with 20th day of September , 19 76 . 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 second publication, make your proof of publication to the District Court, Court-house with copy to this office.

---

*Reference:* K.S.A. 59-2243; 64-102.

*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."

(817)

### Affidavit of Publication

See Form 107, as to; (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

(818)

(CAPTION)

### Report of Sale of Personal Property at Public Auction

COMES NOW Jack O. Jones and reports:

1. That he is a resident of Apache County, Kansas, and his address is Route 1, Hometown, Kansas 66648.

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted to him by the Court on the 4th day of August,

3. That pursuant to an Order entered the 15th day of September, 19 76, he employed John Green as auctioneer and sold on the 5th day of October, 19 76, at public auction all of the personal property described in said 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 said 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. That he did not directly or indirectly purchase any interest in the above described property and he is not interested in the purchase of the property sold by him.

6. That the sale was conducted in all respects as provided by law and the Order of this Court.

JACK O. JONES

*Administrator*

(VERIFICATION)

See Form 103

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. Pleader

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Administrator

*Reference:* K.S.A. 59-1703; 59-2245.

*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)

Petition for Sale of Real Estate at Public Auction . . . . .	821
Order for Hearing . . . . .	822
Notice of Hearing . . . . .	823
Affidavit of Service . . . . .	824
Affidavit of Publication . . . . .	825
Proceedings Under Soldiers' and Sailors' Civil Relief Act . . . . .	826
Proceedings for Appointment of Guardians Ad Litem . . . . .	827
Order to Sell Real Estate at Public Auction . . . . .	828
Notice of Sale . . . . .	829
Affidavit of Publication . . . . .	830
Report and Petition for Confirmation of Sale of Real Estate at Public Auction . . . . .	831
Order Confirming Sale of Real Estate at Public Auction . . . . .	832
Rider to be Attached to Bond of <u>Administrator, Jack O. Jones</u> , on File Herein.	833
<u>Administrator's</u> Deed . . . . .	834

## (Private Sale)

Petition for Sale of Real Estate at Private Sale . . . . .	841
Order for Hearing . . . . .	842
Notice of Hearing . . . . .	843
Affidavit of Service . . . . .	844
Affidavit of Publication . . . . .	845
Proceedings Under Soldiers' and Sailors' Civil Relief Act . . . . .	846
Proceedings for Appointment of Guardians Ad Litem . . . . .	847
Order for Sale of Real Estate at Private Sale . . . . .	848
Certificate of Appraisers . . . . .	849
Report and Petition for Confirmation of Sale of Real Estate at Private Sale . . . . .	850
Order for Hearing . . . . .	851
Order Confirming Sale of Real Estate at Private Sale . . . . .	852
Rider to be Attached to Bond of <u>Administrator, Jack O. Jones</u> , on File Herein.	853
<u>Administrator's</u> Deed . . . . .	854

## Private Sale (with confirmation included in order of sale)

Report of Appointment and Petition for Approval of Appraiser(s) . . . . .	861
Order for Hearing . . . . .	862
Order Approving Appointed Appraiser(s) . . . . .	863
Certificate of Appraisers . . . . .	864
Petition for Sale of Real Estate at Private Sale and for Confirmation Thereof . . . . .	865
Order for Hearing . . . . .	866
Notice of Hearing . . . . .	867
Affidavit of Service . . . . .	868
Affidavit of Publication . . . . .	869
Proceedings Under Soldiers' and Sailors' Civil Relief Act . . . . .	870
Proceedings for Appointment of Guardians Ad Litem . . . . .	871
Order Authorizing and Confirming Sale of Real Estate at Private Sale . .	872
Rider to be Attached to Bond of <u>Administrator, Jack O. Jones</u> , on File Herein.	873
<u>Administrator's</u> Deed . . . . .	874

(821)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS  
 In the Matter of the Estate of \_\_\_\_\_ }  
 \_\_\_\_\_ }  
JOHN JONES , Deceased

No. 4321

(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

**Petition for Sale of Real Estate at Public Auction**COMES NOW Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas, and his address is Route 1, Hometown, Kansas 66648 .

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones , deceased, by virtue of Letters of Administration granted to him by this Court on the 4th day of August , 19 76 .

3. That certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; that 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. That the decedent at the time of his 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. That the above described real estate is not a homestead and is subject to the payment of debts of the decedent; that it is necessary to sell said real estate for the payment of debts, taxes and costs of administration ; that it can be more advantageously sold at public auction.

6. That the Administrator be authorized to pay the costs of said 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 that it is in the best interests of the Estate that the above described property be sold at public auction and that the Administrator be authorized to pay the cost of said sale including an abstract of title or policy of title insurance and the expense of employing an auctioneer .

JACK O. JONES*Petitioner***VERIFICATION**

See Form 103

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

*Reference:* K.S.A. 59-1410; 59-1412; 59-2201; 59-2202; 59-2303; 59-2312.

*Time:* Whenever necessary under 59-1410.

(822)

**Order for Hearing**

If Notice is to be given by publication pursuant to 59-2209, see Form 145, as to:

- (1) Form, and
- (2) Time.

If Notice is to be given by mail pursuant to 59-2208, see Form 333, as to:

- (1) Form,
- (2) Time, and
- (3) Comment.

If Notice is to be waived, pursuant to 59-2208 and 59-2304, see Form 113, as to:

- (1) Form,
  - (2) Reference, and
  - (3) Time.
- 

(823)

**Notice of Hearing**

If Notice is given pursuant to K.S.A. 59-2209, see Form 146, as to:

- (1) Form, and
  - (2) Time.
- 

*Reference:* K.S.A. 59-2209; 59-2210; 59-2304.

or

If Notice is given by mail, see Form 334, as to: (1) Form, and  
(2) Reference.

---

(824)

**Affidavit of Service**

See Form 106 as to: (1) Form (omit bracketed material),  
(2) Reference,  
(3) Time, and  
(4) Comment.

---

(825)

**Affidavit of Publication**

See Form 107 as to: (1) Form,  
(2) Time, and  
(3) Comment.

*Reference:* K.S.A. 59-2209; 59-2211; 59-2304; 64-101.

---

(826)

**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 122 to 127 and are titled as follows:

*Form No. Title*

- |     |   |
|-----|---|
| 122 | Affidavit Pursuant to Soldiers' & Sailors' Civil Relief Act   |
| 123 | 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 |
| 124 | Order for Hearing   |
| 125 | Order Appointing Attorney to Represent Interests of Serviceman Pursuant to Soldiers' & Sailors' Civil Relief Act  |
| 126 | Voluntary Entry of Appearance and Waiver of Notice (and Bond)   |
| 127 | Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' & Sailors' Civil Relief Act   |
- 

(827)

**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 117 to 121 and are titled as follows:

*Form No. Title*

- |     |   |
|-----|---|
| 117 | Petition for Appointment of Guardian Ad Litem                 |
| 118 | Order for Hearing   |
| 119 | Order Appointing Guardian Ad Litem                            |
| 120 | Voluntary Entry of Appearance and Waiver of Notice (and Bond) |
| 121 | Written Defenses of Guardian Ad Litem                         |
- 

(828)

(CAPTION)

**Order to Sell Real Estate at Public Auction**

Now on this 25th day of September, 19 76, 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 his 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. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs.

2. That notice of this hearing has been 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. That the allegations of the Petition are true.

4. That 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. That certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; that 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. That the decedent at the time of his 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. That the above described real estate is not a homestead and is subject to the payment of debts of the decedent; that it is necessary to sell said real estate for the payment of debts, taxes and costs of administration ; that it can be more advantageously sold at public auction.

8. That the Administrator be authorized to pay the costs of said 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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the Administrator be and is hereby authorized and directed to sell at public auction for cash , all of the above described real estate, said sale to be held at the East front door of the Courthouse in Metropolis, Apache County, Kansas .

(C) That 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) That the Administrator is not required to file an additional bond herein.

OR

[D That the Administrator be required to file an additional Bond in the sum of \$37,500 before a sale will be confirmed.]

A. L. MANN

*Judge*

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-1202; 59-2305; 59-2306; 59-2307; 59-2312; 59-2313.

*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.

(829)

First published in the Metropolis Herald , Tuesday , the 28th day of September , 19 76 .

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of }

JOHN JONES , Deceased }

No. 1234

### 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 the 25th day of October , 19 76 , at ten o'clock 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  
Telephone 913 555-0000  
Attorneys for Petitioner

TO THE PUBLISHER: Please publish for three consecutive Tuesdays , commencing with the 28th day of September , 19 76 . 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 publication, make your proof of publication to the District Court, Courthouse, with copy to this office.

*Reference:* K.S.A. 59-2308; 64-102.

*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.

(830)

### Affidavit of Publication

See Form No. 107 as to: (1) Form,  
(2) Reference,  
(3) Time, and  
(4) Comment.

(831)

(CAPTION)

**Report and Petition for Confirmation  
of Sale of Real Estate at Public Auction**

Comes Now Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas, and his address is Route 1, Hometown, Kansas 66648.

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted to him by this Court on the 4th day of August, 19 76.

3. That pursuant to an Order entered the 25th day of September, 19 76, he 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. That 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. That he 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. That he employed I. C. Richlee as auctioneer at a commission of % of the sale price.

[7. That he has filed herein his additional bond in the sum of \$37,500.00.]

WHEREFORE, Petitioner prays that this sale be confirmed and that he 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*

VERIFICATION  
(See Form 103)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

---

Reference: K.S.A. 59-1413; 59-2306; 59-2309; 59-2313.

(832)

(CAPTION)

**Order Confirming Sale of Real Estate at Public Auction**

Now on this 8th day of October, 19 76, 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.

The Petitioner appears in person and by his 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. That notice of this hearing is not necessary or required by law and the same may be heard forthwith.

2. That the allegations of the Petition are true.

3. That 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. That 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. That 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 herein, and that the sale was fairly conducted and legally made.

6. That the Administrator employed I. C. Richlee as auctioneer at a commission of % of the sale price.

[7. That 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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the above mentioned sale of real estate be and the same is hereby confirmed; that 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 the sale.

(C) That the Administrator is hereby authorized to pay from the proceeds of the sale accrued taxes; the costs of the sale including abstract of title; the auctioneer's fee to I. C. Richlee in the amount of \$

A. L. MANN

*Judge*

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

Reference: K.S.A. 59-1413; 59-2309; 59-2312; 59-2313.

Time: The Order may issue any time after the filing of the Report.

(833)

(CAPTION)

**Rider to be Attached to Bond of ADMINISTRATOR , JACK O. JONES on File Herein**

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, Ace Bonding Company, Inc. executed, as surety, a certain Administrator's bond in the penal sum of \$70,000.00 , dated July 20, 1976 , in favor of the State of Kansas, and on behalf of Jack O. Jones , Administrator, the said 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 the 25th day of September , 19 76 , directed that the penal sum of the aforesaid bond be increased from \$70,000.00 to the sum of \$170,000.00 , effective the 25th day of September , 19 76 .

NOW, THEREFORE, the said 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 the 25th day of September , 19 76 .

PROVIDED, HOWEVER, that 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, this 25th day of September , 19 76 .

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 this 25th day of September , 19 76 .

A. L. MANN

*Judge*

(SEAL)

(834)

**Administrator's Deed**

This indenture made this 14th day of October , 19 76 , by and between Jack O. Jones , Administrator 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 the 25th day of September, 19 76, having sold the real estate hereinafter described in conformity with said 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, his heirs and assigns, all right, title and interest of John Jones, deceased, discharged from liability for his debts, in and to all of the following described real estate situated in Apache County, Kansas:

The Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less.

TO HAVE AND TO HOLD the above granted premises, together with the appurtenances and hereditaments and every part thereof, unto L. S. Deed, his heirs and assigns.

IN WITNESS WHEREOF, Grantor has hereunto set his hand, this 14th day of October, 19 76.

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 this 14th day of October, 19 76, by Jack O. Jones, as Administrator of the Estate of John Jones, deceased.

NEVA WRIGHT

*Notary Public*

(SEAL)

My Appointment expires:

January 10, 1978

*Reference: K.S.A. 59-2309.*

(841)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

JOHN JONES, Deceased

(Petition Pursuant to Chapter 59 of Kansas Statutes Annotated)

No. 4321

### Petition for Sale of Real Estate at Private Sale

Comes Now Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas and his address is Route 1, Hometown, Kansas 66648.

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted to him by this Court on the 4th day of August, 19 76.

3. That certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; that 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. That the decedent at the time of his death, owned the following described real estate situated in Apache County, Kansas:

The Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less.

5. That the above described real estate is not a homestead and is subject to the payment of debts of the decedent; that it is necessary to sell said real estate for the payment of debts, taxes and costs of administration ; that it can be more advantageously sold at private sale.

6. That the Administrator be authorized to pay the costs of said sale including an abstract of title or policy of title insurance and a real estate commission .

7. That the above described real estate has not been appraised pursuant to K.S.A. 59-23078 .

8. That he has named R. E. Dealer, A. G. Broker and S. N. Neighbor to appraise the above described real estate for the purpose of selling said real estate at private sale .

9. That the appointed appraisers should be approved.

WHEREFORE, Petitioner prays for an Order of this Court finding that it is necessary to sell the above described real estate and that it is in the best interests of the Estate that the above described real estate be sold at private sale; that the appointed appraisers be approved; that the Administrator be authorized to pay the cost of said sale including an abstract of title or policy of title insurance and a real estate commission .

JACK O. JONES

*Petitioner*

(VERIFICATION)

See Form 103

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

*Reference:* K.S.A. 59-1202; 59-1203; 59-1410; 59-1412; 59-2201; 59-2202; 59-2303; 59-2305; 59-2307; 59-2312.

*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 appraisal under either 59-1202 or 59-2307.

(842)

Order for Hearing

If notice is to be given by publication pursuant to 59-2209, see Form 145, as to:

- (1) Form, and
- (2) Time.

If notice is to be given by mail pursuant to 59-2208, see Form 333, as to:

- (1) Form,
- (2) Time, and
- (3) Comment.

If notice is to be waived, pursuant to 59-2208 and 59-2304, see Form 113, as to:

- (1) Form,
  - (2) Reference, and
  - (3) Time.
- 

(843)

#### Notice of Hearing

If notice is given pursuant to K.S.A. 59-2209, see Form 146, as to:

- (1) Form, and
  - (2) Time.
- 

*Reference:* K.S.A. 59-2209; 59-2210; 59-2304.

or

If notice is given by mail, see Form 334, as to:

- (1) Form, and
  - (2) Reference.
- 

(Form No. 844)

#### Affidavit of Service

See Form 106, as to: 

- (1) Form,
- (2) Reference,
- (3) Time, and
- (4) Comment.

---

(845)

#### Affidavit of Publication

See Form 107, as to: 

- (1) Form,
- (2) Time, and
- (3) Comment.

---

*Reference:* K.S.A. 59-2209; 59-2211; 59-2304; 64-101.

---

(846)

**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 122 to 127, and are titled as follows:

<i>Form No.</i>	<i>Title</i>
122	Affidavit Pursuant to Soldiers' & Sailors' Civil Relief Act
123	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.
124	Order for Hearing
125	Order Appointing Attorney to Represent Interests of Serviceman Pursuant to Soldiers' & Sailors' Civil Relief Act.
126	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
127	Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' & Sailors' Civil Relief Act

(847)

**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 117 to 121 and are titled as follows:

<i>Form No.</i>	<i>Title</i>
117	Petition for Appointment of Guardian Ad Litem
118	Order for Hearing
119	Order Appointing Guardian Ad Litem
120	Voluntary Entry of Appearance and Waiver of Notice (and Bond)
121	Written Defenses of Guardian Ad Litem

(848)

**(CAPTION)****Order for SALE of Real Estate at Private Sale**

Now on this 25th day of September, 19 76, 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 his 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. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, devisees and legatees.
2. That notice of this hearing has been 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. That the allegations of the Petition are true.

4. That 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. That certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; that 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. That the decedent at the time of his death, owned the following described real estate situated in Apache County, Kansas:

The Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less.

7. That the above described real estate is not a homestead and is subject to the payment of debts of the decedent; that it is necessary to sell said real estate for the payment of debts, taxes and costs of administration; that it can be more advantageously sold at private sale.

8. That the Administrator be authorized to pay the costs of said sale including an abstract of title or policy of title insurance and a real estate commission.

9. That 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. That 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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of this Court.

(B) That the Administrator be and 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) That no sale shall be made unless the real estate shall have been appraised or reappraised within six months preceeding such sale.

(D) That R. E. Dealer, A. G. Broker and S. N. Neighbor be and hereby are approved as appraisers.

(E) That 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) That the Administrator is not required to file an additional Bond herein.

or

[F. That 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

Telephone 913 555-0000

Attorneys for Petitioner

Reference: K.S.A. 59-1203; 59-2305; 59-2306; 59-2307; 59-2312; 59-2313.

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.

---

(849)

(CAPTION)

**Certificate of Appraiser(s)**

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 Northwest quarter of Section 26, Township 30 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, 1976, do hereby certify that we have viewed the said real estate and appraise the same at its full and fair value of \$80,000, as of September 27, 1976.

R. E. DEALER

A. G. BROKER

S. N. NEIGHBOR

SUBSCRIBED AND SWORN TO before me this 28th day of September, 19 76.

NEVA WRIGHT

*Notary Public*

(SEAL)

My Commission Expires:

January 10, 1978

---

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

---

*Reference:* K.S.A. 59-2307.

*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."

---

(850)

(CAPTION)

**Report and Petition for Confirmation of Sale of Real Estate at Private Sale**COMES NOW Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas, and his address is Route 1, Hometown, Kansas 66648.

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones, deceased, by virtue of Letters of Administration granted to him by this Court on the 4th day of August, 19 76.

3. That pursuant to an Order entered the 25th day of September, 19 76, he sold at private sale the following described real estate situated in Apache County, Kansas:

The Northwest quarter of Section 26, Township 30 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. That 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. That he 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. That no financial or blood relationship exists between L. S. Deed, of Hometown, Kansas, and the fiduciary.

7. That he employed I. C. Richlee as real estate broker for a commission of        % of the sale price.

[8. That he has filed herein his additional bond in the sum of \$100,000.]

WHEREFORE, Petitioner prays that this sale be confirmed and that he 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*

**VERIFICATION**

See Form 103

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

---

*Reference:* K.S.A. 59-1413; 59-2306; 59-2309; 59-2313.

*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.

---

(851)

## ORDER FOR HEARING

See form 118, as to: (1) Form, and  
(2) Time.

\_\_\_\_\_

*Reference:* K.S.A. 59-1703.

*Comment:* If a conflict situation exists notice is required.

---

(852)

(CAPTION)

## Order Confirming Sale of Real Estate at Private Sale

Now on this 8th day of October, 19 76, 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.

The Petitioner appears in person and by his 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. That notice of this hearing is not necessary or required by law.

or

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

2. That the allegations of the petition are true.

3. That the Administrator sold at private sale the following described real estate situated in Apache County, Kansas:

The Northwest quarter of Section 26, Township 30 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. That 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. That 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 his report and that the sale was fairly conducted and legally made.

6. That the Administrator employed I. C. Richlee as real estate broker for a commission of \_\_\_\_\_ % of the sale price.

[7. That 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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the above mentioned sale of real estate is hereby confirmed; that 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) That 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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-1413; 59-2306; 59-2309; 59-2312; 59-2313.

*Time:* The order may issue any time after the filing of the report.

(853)

**Rider to be Attached to Bond of Administrator Jack O. Jones on File Herein**

See Form 833, as to: (1) Form.

(854)

**Administrator's Deed**

See Form 834, as to: (1) Form.

(861)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

}

No. 4321

JOHN JONES, Deceased

(Petition Pursuant to Chapter 59 of Kansas Statutes Annotated)

**Report of Appointment and Petition for Approval of Appraiser(s)**

Comes Now Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas and his address is Route 2, Hometown, Kansas 66648.

2. That he is the duly appointed, qualified and acting Executor of the Estate of John Jones, deceased, by virtue of Letters Testamentary issued to him on August 4, 19 76.

3. That your petitioner has conditionally contracted for the sale of the real estate described herein; that it has not been appraised pursuant to 59-2307, and appraisal will be necessary prior to sale.

4. That he has named R. E. Dealer, A. G. Broker and S. N. Neighbor to appraise the following described real estate for the purpose of selling said real estate situated in Apache County, Kansas at private sale:

The Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less.

5. That the appointed appraisers should be approved.

WHEREFORE, Petitioner prays that appointed appraiser(s) be approved.

JACK O. JONES

*Petitioner*

(VERIFICATION)

See Form 103

PLEADER, PLEADER & TRYOR

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

---

*Reference:* K.S.A. 59-2305 (e); 59-2307.

*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 valued) within six months no new appraisal is required unless ordered by the Court.

---

(862)

**Order for Hearing**

See Form No. 118, as to: (1) Form, and  
(2) Time.

---

*Reference:* K.S.A. 59-2307.

*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 211.

---

(863)

(CAPTION)

**Order Approving Appointed Appraiser(s)**

Now on this 26th day of September, 19 76, comes on for hearing the Petition for Approval of Appraiser(s) filed herein by Jack O. Jones.

Petitioner appears by his 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. That notice of the time and place of hearing is not necessary or required by law.

2. That the allegations of the Petition are true.

3. That 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 Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less.

4. That 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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of this Court.

(B) That R. E. Dealer, A. G. Broker and S. N. Neighbor be and hereby 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

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-2307.

*Time:* After the hearing.

(864)

**Certificate of Appraisers**

See Form 849, as to: (1) Form,  
(2) Reference, and  
(3) Time.

(865)

(CAPTION)

**Petition for Sale of Real Estate at Private Sale and for Confirmation Thereof**

Comes Now Jack O. Jones and alleges:

1. That he is a resident of Apache County, Kansas, and his address is Route 1, Hometown, Kansas 66648 .

2. That he is the duly appointed, qualified and acting Administrator of the Estate of John Jones , deceased, by virtue of Letters of Administration granted to him by this Court on the 4th day of August , 19 76 .

3. That certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; that 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. That the decedent at the time of his death, owned the following described real estate in Apache County, Kansas:

The Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less.

5. That the above described real estate is not a homestead and is subject to the payment of debts of the decedent; that it is necessary to sell said real estate for the payment of debts, taxes and costs of administration ; that it can be more advantageously sold at private sale.

6. That on September 25, 1976 , 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, 1976 and possession to be delivered upon closing.

7. That no financial or blood relationship exists between L. S. Deed of Hometown, Kansas and the fiduciary, and that the contract should be approved.

8. That the requirements of K.S.A. 59-1703 and 59-2307 have been met; that the amount is not less than three-fourths of the appraised value; that no additional report of sale or additional confirmation thereof should be required.

9. That the Administrator should be authorized to pay the costs of said 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 that it is necessary to sell the above described real estate; that it is in the best interest of the Estate that it be sold at private sale; that the contract of sale entered into between the Administrator and L. S. Deed be approved; that he be authorized to pay the costs of sale including an abstract of title or policy of title insurance and a real estate commission ; that the sale be confirmed and that he be authorized to execute and deliver a deed of conveyance to L. S. Deed .

JACK O. JONES

*Petitioner*

(VERIFICATION)

See Form 103

PLEADER, PLEADER & TRYOR  
The Hometown State Bank Building  
Hometown, Kansas 66648  
Telephone 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.

*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 861, 862, 863 and 864 will not be necessary.

(866)

### Order for Hearing

If notice is to be given by publication pursuant to 59-2209,  
see Form 145, as to: (1) Form, and  
(2) Time.

If notice is to be given by mail pursuant to 59-2208,  
see Form 333, as to: (1) Form,  
(2) Time, and  
(3) Comment.

If notice is to be waived, pursuant to 59-2208 and 59-2304,  
see Form 113, as to: (1) Form,  
(2) Reference, and  
(3) Time.

(867)

First published in the Metropolis Herald, the 1st day of October, 19 76.

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

JOHN JONES, Deceased

}  
}

No. 1254

### 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 Northwest Quarter of Section 26, Township 30 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, 1976 and possession to be delivered upon closing ; and for a further Order authorizing the Administrator to pay the costs of said 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 the 25th day of October , 19 76 , at ten o'clock A .M. of said day, in said Court in the City of Metropolis , in Apache County, Kansas at which time and place said 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

Telephone 913 555-0000

Attorneys for Administrator

TO THE PUBLISHER: Please Publish for three consecutive \_\_\_\_\_ commencing the \_\_\_\_ Day of \_\_\_\_\_, 19\_\_\_\_. 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; 59-2304; 59-2305.

*Comment:* If confirmation of proposed transaction as a part of the courts 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.

(868)

### Affidavit of Service

If the Court directs notice pursuant to 59-2209, see Form 106, as to:

- (1) Form,
- (2) Reference,
- (3) Time, and
- (4) Comment.

If the Court directs notice by mail, see Form 335, as to: (1) Form (generally)  
(2) Time, and  
(3) Comment.

---

*Reference:* K.S.A. 59-2208; 59-2221.

---

(869)

**Affidavit of Publication**

If The Court directs Notice pursuant to 59-2209, see Form No. 107, as to: (1) Form,  
(2) Time, and  
(3) Comment.

---

*Reference:* K.S.A. 59-2209; 59-2211; 59-2304; 64-101.

---

(870)

**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 122 to 127 and are titled as follows;

*Form No. Title*

- |     |   |
|-----|---|
| 122 | Affidavit Pursuant to Soldiers' & Sailors' Civil Relief Act   |
| 123 | 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 |
| 124 | Order for Hearing   |
| 125 | Order Appointing Attorney to Represent Interests of Serviceman Pursuant to Soldiers' & Sailors' Civil Relief Act  |
| 126 | Voluntary Entry of Appearance and Waiver of Notice (and Bond)   |
| 127 | Written Defenses of Attorney Representing Interests of Serviceman Pursuant to Soldiers' & Sailors' Civil Relief Act   |
- 

(871)

**Proceedings for Appointment of Guardian Ad Litem**

The forms relating to appointment of Guardians ad litem are in the section containing Testate forms. The pertinent forms are numbered 117 to 121 and are titled as follows:

- |     |   |
|-----|---|
| 117 | Petition for Appointment of Guardian Ad Litem |
| 118 | Order for Hearing                             |
| 119 | Order Appointing Guardian Ad Litem            |

- 120 Voluntary Entry of Appearance and Waiver  
of Notice [and Bond]  
121 Written Defenses of Guardian Ad Litem
- 

(872)

(CAPTION)

**Order Authorizing and Confirming Sale of Real Estate at Private Sale**

Now on this 25th day of September, 19 76, 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.

The Petitioner appears in person and by his 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. That due diligence has been exercised in the search for names, ages, relationships and residences and addresses of heirs, devisees and legatees.

2. That Notice of this hearing has been 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. That the allegations of the Petition are true.

4. That 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. That certain demands have been filed and allowed against this Estate as shown by the files and records of this Court; that 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. That the decedent at the time of his death, owned the following described real estate situated in Apache County, Kansas:

The Northwest quarter of Section 26, Township 30 South, Range 30 West, containing 160 acres, more or less.

7. That the above described real estate is not a homestead and it can be more advantageously sold at private sale.

8. That on September 25, 1976, 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, 1976 and possession to be delivered upon closing.

9. That no financial or blood relationship exists between L. S. Deed of Hometown, Kansas and the Fiduciary, and that the contract should be approved.

10. That 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. That the Administrator should be authorized to pay the costs of said 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) That the findings hereinabove made be and the same are hereby made a part of the order and decree of the Court.

(B) That the contract for sale entered into between the Administrator and L. S. Deed is approved.

(C) That the Administrator be and 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) That the above mentioned sale of real estate is hereby confirmed; that 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) That the Administrator is hereby authorized to pay from the proceeds of the sale, the costs of the sale including furnishing an abstract of title or policy of title insurance, the real estate sale commission of I. C. Richlee in the amount of \$\_\_\_\_\_ and appraisers fees to R. E. Dealer, A. C. Broker and S. N. Neighbor in the amount of \$25.00 each .

(F) That the Administrator is not required to file an additional bond herein.

or

[That the Administrator is required to file an additional bond in the sum of \$100,000] .

A. L. MANN

*Judge*

(SEAL)

APPROVED:

PLEADER, PLEADER & TRYOR

BY: W. B. PLEADER

The Hometown State Bank Building

Hometown, Kansas 66648

Telephone 913 555-0000

Attorneys for Petitioner

*Reference:* K.S.A. 59-1202; 59-2305; 59-2306; 59-2307; 59-2312; 59-2313.

*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 exists such facts should be covered by an appropriate finding in the order (Finding 9). K.S.A. 59-1703.

(873)

Rider to be Attached to Bond of ADMINISTRATOR JACK O. JONES on File Herein

See Form No. 833, as to: (1) Form.

(874)

#### Administrator's Deed

See Form No. 834, as to: (1) Form, and

(2) Reference.

### CHANGE IN ADDRESS OF RECIPIENT

The *Kansas Judicial Council Bulletin* is published at least once each year and 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 209, 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 209 need not inform the Judicial Council of a change in address, but need only comply with subsection (c) of Supreme Court Rule 209. The Clerk of the Supreme Court will then furnish the change in address to the Judicial Council.

Address all correspondence to Kansas Judicial Council, 1105 Merchants Bank Building, Topeka, Kansas 66612.

KANSAS JUDICIAL COUNCIL  
1105 MERCHANTS BANK BLDG.  
TOPEKA, KANSAS 66612

Bulk Rate  
U. S. POSTAGE

**PAID**

Topeka, Kansas  
Permit No. 421

---

PRINTED IN THE KANSAS STATE PRINTING PLANT