

The Will of Josiah McCutchan and related probate information

From Iowa Wills and Probate Records 1758-1977,

Decatur County Probate Files, 1873-1926, Box 16b-18, Starting with slide 1507 of 1927

I Josiah McCutchan,
of the County of Decatur, and State
of Iowa, do hereby Make and publish
this my last will and Testament,
hereby revoking and Making Void all
former Wills, by me at any time
heretofore made.

1st I direct that after my death My body be
decently interred, and that My
funeral be conducted in a manner
corresponding with my Estate and
situation in life, and as may be
desired by My friends.

2nd I desire that My funeral expenses —
and all my just debts be paid out
of the first Monies that shall come
into the hands of My Executors from
any portion of My Estate.

3^d I direct that my Beloved wife Elizabeth
A. McCutchan have and hold the
whole of My Estate, both Personal
and Real Estate during her natural
life or so long as she remains my
widow,
if however My said wife Elizabeth
A. McCutchan should marry again
then and in that case she shall have
one third of the entire Estate, or her
Share as My widow, and the remain-
ing two thirds shall be equally
divided between My Seven
Children: Charinda J. Leonard.

Mary E. Hazlet, James H. McCutchan,
Ella A. Niles, Fannie E. McCutchan,
David M. McCutchan, Sanford B.
McCutchan; or if my said wife
Elizabeth A. McCutchan should die
during her widowhood then and in that
case I desire that My entire Estate
shall be equally divided ^{between} My Seven
Children above named.

4th I hereby appoint My beloved wife
Elizabeth A. McCutchan Executor of
this my last will and Testament,
hereby authorizing and empowering
her to compromise, adjust, release
and discharge, in such a manner as
she may deem proper, the debts and
claims due me; and recommend that
she be not required to give a Bond.

5th I hereby appoint My beloved wife
Elizabeth A. McCutchan Guardian
of My two minor Children, David M.
McCutchan, and Sanford B. McCutchan,
during their Minority.

In Testimony whereof, I have set my
hand, this Twenty-Seventh day of
March A. D. 1891.

Witness a Notary Public

Signed and declared by the said
Josiah McCutchan, in our presence

and signed by us as witnesses in
his presence, and in the presence of
each other this 27th day
of March A. D. 1891.

H. Van Horden (not.)
A. Hamilton (not.)
R. C. Cowles

THE STATE OF IOWA, } ss. In the District Court of said County.
Decatur County, } August Term, 1892
In the Matter of the Estate of Josiah McCutcheon Deceased,
COMES NOW Elizabeth A. McCutcheon
Executrix
of said estate, and reports as her doings herein, since the 8 day
of July 1891, the date of her appointment, as follows, to-wit:
That she has paid all and singular
the debts and liabilities including
last sickness and funeral expenses
owing by said estate. That under
and by the terms of will submitted to
probate in said estate, this executrix
was devise of all the property both
real and personal remaining after pay
ing the debts and liabilities.
Wherefore executrix asks that this be
accepted as final report herein.

All of which is more particularly set forth in the Cash Account hereto attached.

Dated this 1st day of August 1892

Subscribed and sworn to by E. A. McCutcheon before
me August 1st 1892 Attest
Solary Public

PETITION FOR DISCHARGE.

STATE OF IOWA, } In the District Court of said County.
Decatur County, } Petition of Executrix for Discharge.

To Said Court: Your Petitioner, the Executrix herein, says
on oath, that she has performed all things in this Estate required of such
officers under the laws of the State of Iowa, and that she has made a full
and final distribution and settlement in and of said Estate, as herein stated,
and as herein before shown by Accounts, Reports and Vouchers, and as far as
the assets and means in said Estate extended; that nothing further remains
for your petitioner to do in the premises.

Wherefore, she asks this Court to approve all her doings, reports and
accounts as such Executrix and to discharge her from further
duties and responsibilities herein, and to fully release her from all such
and to exonerate her from all such

Subscribed in my presence by the said E. A. McCutcheon
and sworn to by her before me, this 1st day of August, A. D. 1892
Witness, my hand and seal.

E. A. McCutcheon
Attest
Solary Public

PROOF OF WILL.

STATE OF IOWA, } ss.
DECATUR COUNTY, }

I, O. H. Schuch Clerk of the District Court in
and for said County, do hereby certify that on this day, at the June
Term, A. D. 1891, of said Court, the Will and Instrument in writing hereunto an-
nexed, and bearing date on the 27th day of March, A. D. 1891
was duly proved before and allowed by said Court as and for the last Will and Testa-
ment of the real and personal estate of Josiah McCutcheon
late of said County, deceased, and was by said Court
ordered to be recorded as such Will and Testament.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed the seal of said Court, at my office
in Leon, in said County, this 8th day of June

A. D. 1891
O. H. Schuch Clerk.
By _____ Deputy.

PETITION.

STATE OF IOWA,

Decatur County,

In the Matter of the Estate of

vs. Josiah W. Cutchan

Decedent.

To the Honorable District Court of said County:

Comes now Elizabeth A. W. Cutchan, a resident of said County, and respectfully represents that on or about the 13th day of April A. D. 1891, Josiah W. Cutchan of said County,

died, leaving, at the time of his death, the following heirs, to-wit: Elizabeth A. W. Cutchan, Helma Clara Jones, Leonard Mary E. Hazel, James Larkin W. Cutchan, Ella Ann Wanda, Fannie E. Jenkins, David Marshall W. Cutchan, Sanford B. W. Cutchan

and having at the time of his decease, personal property in this State which may be lost, destroyed or diminished in value, if speedily care be not taken of the same. Your petitioner further represents, that prior to his decease, the said Josiah W. Cutchan made and executed a will, in which he named Elizabeth A. W. Cutchan as executrix. To the end, therefore, that said property and debts may be collected and preserved, I respectfully request that Letters Testamentary be issued to Elizabeth A. W. Cutchan

the Executrix, by the deceased named in said last will and testament, with full power and authority to act as such according to law. The total value of Real and Personal Property of said decedent is about \$ 4300.00

Ed. W. Cutchan
Subscribed and sworn to by Elizabeth A. W. Cutchan before me, July 8th 1891 J. H. Schuch Clerk District Court.

BOND.

Know all Men by these Presents:

That we, as principal, and

as sureties, all of the County of in the State of Iowa, are held and firmly bound unto the County aforesaid and to all persons herein concerned, in the penal sum of

DOLLARS, for the payment of which, will and truly to be made, we do jointly and severally bind ourselves and our lawful representatives.

Witness our hands and seals this day of

The Condition of the above Obligation is such: WHEREAS, The above named

by the last will and testament of appointed as

to execute last will and testament as aforesaid, according to the tenor

Now if the said

shall discharge all and every debt or duty as such Executrix

times within a true account of things in the above premises whenever the

and do all things which are or may be hereafter required of by law, then

said, otherwise to be and remain in full force and virtue in law

Attest: B. Clerk of the District Court.

The above Bond was approved and filed by me.

Clerk of the District Court of

OATH.

STATE OF IOWA,

Decatur County,

I Elizabeth A. W. Cutchan do solemnly swear that I will well and truly administer all and singular the goods and chattels, rights, credits and effects of Josiah W. Cutchan deceased, and pay all just claims and charges against his Estate, so far as his assets shall extend, and that I will perform all other acts now or hereafter required by law, to the best of my knowledge and ability.

Ed. W. Cutchan
Subscribed and sworn to before me, by Elizabeth A. W. Cutchan this 8 day of July A. D. 1891 J. H. Schuch Clerk District Court.

STATE OF IOWA,

Decatur County,

County

We accept due and legal service of the within notice at Decatur

Iowa, this 1 day of August

A. D. 1892

M. E. Hazel

J. L. McCutchan, Ella Hiner, Clarinda J. Leonard, David McCutchan, Fannie E. Jenkins

Sanford B. McCutchan

STATE OF IOWA, }
Decatur County, } ss.

I swear that I am one of the Publishers of the
Decatur County Journal, a newspaper printed and
published in Leon, in said county, and of general circulation therein, that
the annexed notice was published in said newspaper three consecutive
weeks, the first publication of the same being on the 30 day of
April, 1889, and the last said publication
being on the 14 day of May, A. D. 1889.

Printer's fee for publication, \$ 2.50.

~~Received payment,~~

Sworn to before me and subscribed in my presence by the above named

W. S. Johnson this 2 day of
June, A. D. 1889.

Witness my hand and notarial seal at said county.

J. E. Brooks
J. E. Brooks Public
being duly

NOTICE—PROOF OF WILL.
STATE OF IOWA, } ss. District Court,
DECATUR COUNTY, } in Vacation.
To all Whom it May Concern:
Notice is hereby given, that an instrument
in writing purporting to be the last Will and
Testament of Josiah McCutchan, deceased, was
this day produced, opened and read by the un-
dersigned, and that I have fixed Monday,
the 8th day of June, 1891, as the day for
hearing proofs in relation thereto.
Witness my official signature, with the seal
of said court hereto affixed this 28th day of
April, 1891. T. H. SCHENCK,
Clerk District Court.