LAST WILL AND TESTAMENT

#3230

I, JULIEN J. SCHWARZ, residing at No. 195 South Main Avenue, in the City and County of Albany, and State of New York, being of sound mind and memory, do hereby make, publishmand declare the following to be my Last Will and Testament; that is to say:

FIRST: I hereby revoke, cancel, and annul any and every former Will or codicil by me at any time heretofore made.

SECOND: I direct my Executrix hereinafter named to pay all my just debts and funeral expenses as soon after my decease as may be practicable.

THIRD: All of the rest, residue, and remainder of my property and estate, both real and personal, of whatsoever, nature and whereever situated, now owned or hereafter acquired by me, I give, devise and bequeath as follows:

- (a) In the event my beloved wife, Dorothy P. Schwarz, survives me, I give, devise and bequeath all of said residue of my estate to her to and for her own use and behoof absolutely and forever.
- (b) In the event my said wife predeceases me, I give, devise and bequeath said residue of my estate to the National Commercial Bank and Trust Company of Albany, New York, and Isadore Bookstein, of Albany, New York, and their successors, in trust nevertheless, to envest and from time to time to reinvest, and to collect, recover and receive the rents, issues, income, interest and profits thereof, and after deducting

all proper charges incidental to the administration of said trust, to apply so much thereof as my said trustees shall deem necessary and proper to the support, maintenance and education of my beloved daughter Carolyn Elise Schwarz, during her minority and to accumulate so much of the income as shall not be so applied, and upon her attaining her majority, to pay over unto her such accumulations as may have been made; and thereafter to pay over to my said daughter the entire net income of the residue of my estate until my said daughter shall have arrived at the age of twenty-five years, at which time, I direct my trustees to pay over to my said daughter the entire balance of principal and income remaining. Should the income received by my trustees hereunder prove inadequate for the proper support, maintenance and education of my said daughter, which such education shall inculde a college education, if my said daughter so desired, I authorize and empower my trustees to use so much of the principal of such trust as may be necessary to provide the suitable maintenance and education of my said daughter.

FOURTH: In the event that my wife predeceases me, I nominate, constitute and appoint my sister, Sadie S. Goldschmidt, of 574 West End Avenue, New York, N.Y., guardian of the person and property of my said daughter during her minority.

FIFTY: I nominate, constitute and appoint mybeloved wife, Dorothy P. Schwarz, Executrix of this, my
Last Will and Testament, and direct that no bond or other security forthe faithful performance of her
dutes hereunder be required of her in any jurisdiction in which it may be necessary or desirable for
her to qualify. In the event my said wife predeceases me, I nominate, constitute and appoint the National
Commercial Bank and Trust Company of Albany, New York, and Isadore Bookstein, of Albany, New York,
Executors of this, my Last Will and Testament. I hereby authorize my executors and trustees, or their
successors, to sell, mortgage, lease or convey any or all of my property, real or personal, at public
or private sale, at such times, at such prices and upon such terms as they, in their discretion, shall
deem proper and for the best interest of my estate. I authorize my said executors and trustees to retain, e
eigher temporily or permanently, or for such period as seems to them expedient, any investment made or
property held by me, and I direct that they shall not be held liable for any loss reaulting to my estate
by reason of such retention, or for any error of judgment in connection therewith. I further direct that in
the retention of any property constituting any assets of my estate, my trustees shall not be restricted
to securities of the character authorized by the Laws of the State of New York for investment of trust
funds, such restrictions to apply only to new investments or reinvestments.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 18th day of February, 1937.

Julien J.T.Schwarzy L.S.

IN PRESENCE OF:

Katharine Maar

Charlett Hofelich

Robert G. Ahlheim

The above instrument was upon the date thereof, signed, sealed, published and declared by JULIEN J. SCHWARZ, the testator named therein, as and for his last Will and Testament, in our presence and hearing, and we, at his request, and in his quesence, and in the presence of each other, did thereupon then and there subscribe our names as attesting witnesses thereto.

Katharine Maar Residing at 538 Morris St. Albany, N.Y.

Charlotte Hofelich Residing at 1714-4th St. Rensselaw, N.Y

Robert. G. Ahlheirm residingat Delwar, N.Y.

SURROGATE'S COURT, COUNTY OF ALBANY,

In the Matter of the Petition of Dorothy P. Schwarz

for the Probate of the Last Will and Testament of Julien J. Schwarz, of late of Albany, New York, deceased.

TO THE SURROGATE'S COURT OF THE COUNTY OF ALBANY:

I, The petition of Dorothy P. Schwarz. residing at No. 195 South Main Avenue in the City of Albany in the County of Albany, New York respectfully shows:

- II. That your petitioner is the executrix named in the Last Will and Testament of Julien J. Schwarz, late of the County of Albany, New York deceased.
- III. That the above named decedent died at the City of New York County of New York, on the 5th day of January, 1938, his domicile being in the City of Albany, County of Albany and State of New York.
- IV. That he he left a Last Will and Testament, which relates to both real and personal property, and which bears date the 18th day of February, 1937, and is signed at the end thereof by said testator and by Katharine Maar, Charlotte Hoffelich and Robert G. Ahlheim, the subscribing witness thereto, and that no previous application has been made for the probate thereof.
- V. That your petitioner does not know of any codicil to said Last Will and Testament nor is there any to the best of her information and belief.
- VI. That decedent left him surviving his widow, Dorothy P. Schwarz, the petitioner, who is over the age of twenty-one years and resides at 195 South Main Avenue, Albany, New York.

VII. That all the heirs, and all the next of kin of said testator, each person designated in the will herewith presented and offered for probate as executor, testamentary trustee, or guardian; and also each person named as executor, testamentary trustee, guardian, legatee, devisee or beneficiary in any other will of the same testator filed in the Surrogate's office, with their ages, relationship, places of residence and post-office addresses set opposite their names respectively, are as follows:

Name	Age Re	lationship	Post-office Address
Dorothy P. Schwarz	Over 21	Widow	195 So. Main Avenue Albany, New York
(Petitioner) Carolyn Elise Schwarz	6	Daughter	195 So. Main Avenue Albany, New York
Sadie S. Goldschmidt	Over 21	Sister	574 West End Avenue, New York, N.Y.
Isadore Bookstein	Ober 21	None	863 Myrtle Avenue, Albany, New York
The National Commercial Bank an	d Trust Company,	None	60 State Street Albany, New York.

VIII. That all of the above named persons are of full age except Carolyn Elise Schwarz, who is six years of age and resides with her monther, Your Petitioner, at 195 So. Main Avenue, Albany, New York, said infant having no general or testamentary guardian. (State whether or not the infant has a general or testamentary guardian; whether or not his father, of if he be dead, his mother isliving, giving the name and post-office address of such person and the name and post-office address of there person with whom such infant resides.)

IX. That all of the above named persons are of sound mind.

(State name and post-office address of committee, if any, and the name and post-office address of the person or institution having the care of custody of the incompetent; and the name and post-office address of a friend having an interest in his welfare.)

X. That the names and post-office addresses of the devisees, legatees and other beneficiaries named in the will herewith presented and hereby offered for probate, who have not been heretofore mentioned, are as follows:

Name of Legatee, Devisee or Beneficiary

Post-office Address

None

n one

- XI. That athere are no persons, other than those mentioned in Paragraphs V.I, VII and X, interested in this proceeding.
- XII. That the names, post-office addresses and degrees of relationship to decedent, of the legatees and devisees in said will, and the estimated values of the several legacies and devisees respectively bequeathed and devised therein, are as follow:

Name of Legatees and Devisees

Post-office Address Relationship

Estimated Value of Legacies

Dorothy P. Schwarz

195 So. Main Ave. Albany, New York

Widow Over \$5000

Estimated Value of Devisees

None

XIII. That the estimated fair market value of the real property or interest therein, in this State, of which said decedent died seized. is nothing.

That the estimated fair market value of the personal property of which said decedent died possessed, is over Five thousand (\$5000.) dollars, which is subject to no incumbrances except debts of decedent, the amount of which is, at this time, unknown to Petitioner.

XIV. That at the time of his death there was in the following banks, accounts in the name of decedent. and Dorothy P. Schwarz, Petitioner, payable to eigher or the survivor as follows: Albany Savings Bank, Mechanics '& Farmer's Bank, Albany, The National Savings Bank of the City of Albany, and one other, but in what bank Petitioner does not know.

That at the time of his death, decedent and Dorothy P. Schwarz, his widow, were not owners by the entirety of any real property,

Your petitioner therefore prays that the said Last Will and Testament may be admitted to probate herein as a will of real and personal estate; that a citation to show cause issue to the persons mentioned in Paragraphs VI and VII hereof, and that an order be made directing that service of such citation upon each of such persons as is hereinbefore stated to be a non-resident of this State, be made personally without the State or be publication, pursuant to the provisions of the Surrogate's Court Act. and that upon the probate of said Will, Letters Testamentary thereon issue to Dorothy P. Schwarz, the executrix named therein, and that all such percess and proceedings may be had and taken in this proceeding, for that purpose, as the law may require.

Dated this 17th day of January, 1988.

Dorothy P. Schwarz Petitioner.

STATE OF NEW YORK

SS.

CITY AND COUNTY OF ALBANY,

Dorothy P. Schwarz being duly sworn, says that she is the petitioner in the above entitled proceeding; that she has read the foregoing petition by her subscribed, and knows the contents thereof, and that the same is true to the knowledge of depenent, except as to the matter therein stated to be alleged on information and belief, and that as to those matters she believes it to be true.

Dorothy P. Schwarz, (Petitioner to sign here)
Subscribed and sworn tobefore me, this 17th day of January, 1988., Isadore Bookstein, Com'r of Deed,
Albany, N.Y.

STATE OF NEW YORK

SS.

CITY AND COUNTY OF ALBANY,

I, Dorothy P. Schwarz, do swear that I am the Executrix named in the Last Will and Testament of Julien J. Schwarz late of the City of Albany in said County of Albany, deceased; that I am a citizen of the United States, a resident of the City of Albany, in the County of Albany, and State of New York upwards of the age of twenty-one years, and that I will well, faithfully and honestly discharge the duties of Execut.

of and under said Last Will and Testament.

Dorothy P. Schwarz, (Executor to sign here) Subscribed and sworn to before me this 17th day of anuary, 1938.

Isadore Bookstein, Com'r of Deeds, Albany, N.Y.

195 South Main Avenue, Albany, N.Y.

Designation

I, Dorothy P. Schwarz, the Executrix named in the Last Will and Testament of Julien J. Schwarz late of the City of Albany, County of Albany, State of New York, deceased, and residing at 195 South Mamn Avenue in the City of Albany, New York, do hereby disggnate the Clerk of the Surrogate's Court of the County of Albany, and his successor in office, as a person on whom service of any process issuing from said Court in this proceeding, or in any other proceeding which shall affect the Estate of Julien J. Schwarz may be made in like manner and with like effect as if it were servied personally upon me, whenever I cannot be found and served within the State of New York after due diligence used.

Dated, January 17th, 1938,

Dorothy P. Schwarz

STATE OF NEW YORK

SS:

CITY & COUNTY OF ALBANY,

On this 17th day of January, 1938, before me the subscriber, appeared Dorothy P. Schwarz, who acknowledged that she executed the foregoing instrument, forthe purpose therein stated, and certify that I known the person who made said acknowledgment to be the infividual described in and who executed said instrument

Isadore Bookstein, Com'r of Deeds, Albany, N.Y.

THE PEOPLE OF THE STATE OF NEW YORK

TO ALL TO WHOM THESE PRESENTS SHALL COME OR MAY CONCERN, SEND GREETING:

KNOW YE, That at the City of Albany, in the County of Albany, on the twenty-fifth day of Jamary, in the year of our Lord one thousand nine hundred and thirty-eight, before HON. EDWARD G. ROGAN, Surrogate of our said County, the Last Will and Testament of Julien J. Schwarz, late of the City and County of Albany, N.Y., deceased, was proved, and is now approved and allowed of by us; and the said deceased, having whilst he lived and at the time of his death, goods, chattels or credits within the State, by means whereof the proving and registering the said Will and granting administration of all and singular the said goods, chattels and credits, and also the auditing, allowing and final discharging the account thereof, doth belong unto us; the administration of all and singular the goods, chattels and cridits of the said deceased, and any way concerning his Will is granted unto Dorothy P. Schwarz Exemptix in the said Will named, she having first taken and subscribed an oath faithfully and honestly to discharge the duties of such Executrix hereby requiring you the said Dorothy P. Schwarz to make or cause to be made, a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come to your hands, possession or knowledge, and also to make, or cause to be made, duplicates of such inventory and cause the same to be signed by the appraisers; and the same so made and signed, that you make return thereof the Surrogate of said County within three months from the date hereof.

IN TESTIMONY WHEREOF, We have caused the sael of office of our said Surrogate to be hereunto affixed.

Witness, Hon Edward G. Rogan, Surrogate of the said County, at the City of Albany, in the said County, on the 25th day of January, in the year of our Lord one thousand nine hundred and thirty-eight.

Charles M. Friend,

Clerk of the Shrrogate's Court.

STATE OF NEW YORK

ALBANY COUNTY SURROGATE'S COURT.

I, Peter F. Cunningham, Clerk of the Surrogate's Court of the County of Albany, do hereby certify that I have compared the foregoing copy of the last Will and Testament of Julien J. Schwarz, late of the City of Albany, N.Y., deceased, Petition for Probate of said Will, and Letters Testamentary granted and issued in said estate, with the Original thereof on file and of record in this office, and have found the same to be a correct transcript therefrom, and of the whole of said original.

IN TESTIMONY WHERE , I have set my hand and affixed the sael of the Surrogate's Court of the County of Albany, this 31st day of December, 1949.

Peter T. Cunningham,

Czerk of the Surrogate's Court.

Filed in the office of the sudge of Probate on the 4th day of June, 1949, at 10 A.M. and recorded in deed record 138, page 395, on this the 9th day of June, 1949.

L.C. Walker,

Judge of Probate.