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I, THEODORE KRUEGER RUSSELL, do make, publish and declare this to be my LAST WILL AND TESTAMENT.

FIRST: I hereby revoke and annul each and every will whatsoever heretofore made by me.

SECOND: I direct that all my just debts, funeral expenses, expenses of my last illness, and costs of administration of my estate be paid as soon after my decease as conveniently may be.

THIRD: I give, devise and bequeath, absolutely and forever, any and all interest which I may have in real estate, together with all buildings thereon, located in Sparta, New Jersey, and the furniture and fixtures therein to my brother, ERICKSON WHITNEY RUSSELL, and my sister, DORIS AURELIA RUSSELL, as joint tenants and not as tenants in common, if they survive me, or to the survivor of them if one shall not survive me. In the event both Erickson Whitney Russell and Doris Aurelia Russell shall predecease me, I give, devise and bequeath, absolutely and forever, all my interest in said real estate, buildings, furniture and fixtures to my mother, GRETCHEN KRUEGER RUSSELL, if she shall survive me. In the event none of my said brother, sister or mother shall survive me, I give, devise and bequeath, absolutely and forever, all my interest in said real estate, buildings, furniture and fixtures to the issue (including adopted children and issue of deceased adopted children), me surviving, of my said brother, sister and myself in equal shares per stirpes. In the event none of my said brother or sister or mother or issue of my brother, sister or myself shall survive me, said real estate,

buildings, furniture and fixtures shall be disposed of as a part of my residuary estate.

FOURTH: I give and bequeath the following sums to the following persons:

(a) TEN THOUSAND DOLLARS (\$10,000.) to my mother, GRETCHEN KRUEGER RUSSELL, if she shall survive me; and if she shall not survive me, then I give and bequeath said sum of TEN THOUSAND DOLLARS (\$10,000.) to my sister, DORIS AURELIA RUSSELL, if she shall survive me.

(b) TEN THOUSAND DOLLARS (\$10,000.) to my stepson, WILLIAM MILLS HEAL, JR., if he shall survive me; and if he shall not survive me, then I give and bequeath said sum of TEN THOUSAND DOLLARS (\$10,000.) to my sister, DORIS AURELIA RUSSELL, if she shall survive me.

(c) TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.) to DIXIE THOMPSON REQUARDT, of Frederick, Maryland, if she shall survive me; and if she shall not survive me, then I give and bequeath said sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.) to my sister, DORIS AURELIA RUSSELL, if she shall survive me.

(d) TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.) to JOSEPH ASBURY KELLEY, of 3221 Cliff Road, Birmingham, Alabama, if he shall survive me; if he shall not survive me, then I give and bequeath said sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.) to his nephew, F. CARLO de FUNIAK, if he shall survive me; if neither Joseph Asbury Kelley nor his said nephew shall survive me, then I give and bequeath said sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.) to the persons who would be the next-of-kin of Joseph Asbury Kelley under the laws of the State of Alabama, if he were to die simultaneously with me.

(e) TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.)



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to my sister, DORIS AURELIA RUSSELL, if she shall survive me; in the event she shall not survive me, then I give and bequeath said sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.) to my brother, ERICKSON WHITNEY RUSSELL, if he shall survive me.

(f) TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.) to my brother, ERICKSON WHITNEY RUSSELL, if he shall survive me; in the event he shall not survive me, then I give and bequeath said sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.) to my sister, DORIS AURELIA RUSSELL, if she shall survive me.

(g) FIVE THOUSAND DOLLARS (\$5,000.) to my aunt, MRS. EMMA K. ROLAND, of 1943 Allison Avenue, Des Moines, Iowa, if she shall survive me; in the event she shall not survive me, then I give and bequeath said sum of FIVE THOUSAND DOLLARS (\$5,000.) in equal shares to my said brother and said sister, if they shall survive me, or to the survivor of them if one shall not survive me.

I direct that, if my personal property other than personal property specifically bequeathed is insufficient to pay the legacies set forth in this Paragraph FOURTH, my real property other than real property at Sparta, New Jersey, shall, to the extent necessary be sold and the proceeds thereof be used for the payment of such legacies. I specifically direct that the legacies set forth herein shall not be a charge upon any real property at Sparta, New Jersey, nor upon any of my personal property specifically bequeathed.

FIFTH: I give and bequeath to my brother, ERICKSON WHITNEY RUSSELL, if he shall survive me, all of my personal and household effects (except household effects

located in Sparta, New Jersey), including, but not being limited to, furniture, automobiles, clothing, jewelry and objects of art; in the event my said brother shall not survive me, then I give and bequeath said property to my said sister, DORIS AURELIA RUSSELL. It is my wish, but not my direction, that my said brother or my said sister, as the case may be, distribute the foregoing property to such persons and in such manner as I may designate in a letter addressed to them before my death.

SIXTH: I direct that all the rest, residue and remainder of my property, real, personal or mixed, wheresoever situate, including any property over which I may have a power of appointment, be divided into as many equal shares as shall equal in number those of Mary Ann Scoville Ehrenberg, and Dixie Elizabeth Scoville Krafaur who shall survive me and those of Mary Ann Scoville Ehrenberg and Dixie Elizabeth Scoville Krafaur who shall predecease me, leaving issue me surviving.

I give, devise and bequeath one such share, absolutely and forever, to my deceased wife's sister, MARY ANN SCOVILLE EHRENBURG, if she shall survive me, or if she shall predecease me, leaving issue me surviving, to such issue, in equal shares per stirpes.

I give, devise and bequeath the other such share, absolutely and forever, to my deceased wife's sister, DIXIE ELIZABETH SCOVILLE KRAFSUR, if she shall survive me, or if she shall predecease me, leaving issue me surviving, to such issue in equal shares per stirpes.

SEVENTH: For the purpose of this, my Last Will and Testament, a beneficiary hereunder shall not be deemed to have survived me but to have predeceased me in the event



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such beneficiary and I shall perish in, or as a direct result of, the same disaster. The decision of my Executor or Executrix as to whether such beneficiary and I shall have perished in, or as a direct result of, such disaster shall be conclusive and binding on all persons interested in my estate.

EIGHTH: I nominate and appoint my brother, ERICKSON WHITNEY RUSSELL, to be the Executor of this, my Last Will and Testament. In the event that he shall fail to qualify as such Executor, or, having qualified, shall cease to be such Executor, then in either event, I nominate and appoint my sister, DORIS AURELIA RUSSELL, as Executrix of this, my Last Will and Testament. I direct that no bond shall be required of either of them for the faithful performance of his or her duties.

I authorize and empower my Executor or Executrix to compromise any claims which may be against me or my estate and any claims which I may have against any person, firm or corporation in such manner and upon such terms as he or she may deem desirable. I further authorize and empower my Executor or Executrix to borrow money if deemed necessary or advantageous for the purpose of administration of my estate, and to mortgage or pledge any property, real or personal, in my estate as security therefor upon such terms and for such periods as my Executor or Executrix shall deem necessary or expedient.

I further authorize and empower my Executor or Executrix to retain any property owned by me at my death, whether or not a legal investment or productive of income, and to make distribution in cash or in kind, or partly

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in cash and partly in kind. I hereby give my Executor or Executrix full power of sale in his or her discretion, in and over all property, real or personal, of which I may die possessed. No purchaser of any such property shall be required to see to the proper disposition of the proceeds of any such sale.

In the event of distribution in kind, or partly in kind, the decision of my Executor or Executrix as to the value of any of my property and the items of property to be distributed to each beneficiary shall be conclusive and binding on all persons interested in my estate. However, it is my wish, but not my direction, that he shall consult with my beneficiaries before making such decision.

I direct my Executor or Executrix to pay from my residuary estate all estate, inheritance, succession or similar death duties which may be assessed by reason of my death, whether or not the property with respect to which the same are assessed shall pass under my Will.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 8th day of October, 1948.

THEODORE KRUEGER RUSSELL (L.S.)

SIGNED, SEALED, PUBLISHED AND DECLARED by THEODORE KRUEGER RUSSELL, the above named Testator, as and for his LAST WILL AND TESTAMENT, in the presence of us, and each of us, who, at his request, in his presence, and in the presence of each other, have subscribed our names hereto as subscribing witnesses, this attestation clause having first been read aloud to us.

J. Paul Austin of 65 Walworth Ave.

Scarsdale, N. Y.

John R. Cunningham of 119 Orient Street

Yonkers, New York

Leonard A. Blue of 20 Linden Street

Staten Island 10, N.Y.



## CERTIFICATE TO THE PROBATE OF WILL

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Form No. 55-6-41-500

The State of Alabama,  
JEFFERSON COUNTY.

PROBATE COURT

I, the undersigned, as Judge of the Court of Probate in and for said State and County do hereby certify that the within instrument of writing purporting to be a certified copy of the last will and testament of \_\_\_\_\_

Theodore K. Russell

deceased, as well as an exemplification of the records relating to the probate thereof in the County of \_\_\_\_\_

New York

State of New York

has this day in this Court been duly presented, and the said will has been, upon the proof, duly admitted to probate in this Court, and before me as the Judge thereof, as the last will and Testament of \_\_\_\_\_

Theodore K. Russell

deceased,

and that said will together with the proof thereof have been recorded in my office in Book of Wills,

Volume \_\_\_\_\_

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In witness of all which I have hereto set my hand and the seal of the said Court, this the 16th

day of January 19 52

*Tom L. Garner*

Probate Judge.

THE STATE OF ALABAMA,  
JEFFERSON COUNTY.

PROBATE COURT

I, Tom C. Garner, Judge of the Court of Probate, in and for said County in said State hereby certify that the foregoing contains a full, true and correct copy of the Last Will and Testament of Theodore Krueger Russell, Deceased, together with the Certificate to the Probate thereof,

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as the same appears on file and of record, in this office.

Given under my hand and official seal, this  
the 8th day of Jan., 19 53.  
Tom C. Garner  
Judge of Probate.

Filed in the office of the Probate Judge on the 22 day of Jan 1953 at 8 o'clock P M  
and recorded in Deed Book 157 Page 447 this 28 day of Jan 19 53  
Deed Tax \_\_\_\_\_ Mortgage Tax \_\_\_\_\_ has been paid.  
L.C. Walker, Judge of Probate