

FILED NO. 2781

BOOK 42 PAGE 189

94 APR 14 PM 1:06

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

COMPUTER
RECORDED
COMPARED

REC \$ 400
AUD \$ 100
R.M.F. \$ 100

56-26811

LAST WILL AND TESTAMENT
OF
CHARLES E. BEENER

RECEIVED
POLK COUNTY, IA
1994 NOV 18 AM 11:17
JERRY L. WEISS
CLERK DISTRICT COURT

KNOW ALL MEN BY THESE PRESENTS:

That I, CHARLES E. BEENER, of Pleasant Hill, Polk County, Iowa, being of full age and sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament, and do hereby revoke any and all former Wills and former Codicils, if any heretofore made by me, WITNESSETH:

FIRST: I hereby direct that the expenses of my last illness and burial and the costs of the administration of my estate be first paid.

SECOND: All the rest, residue and remainder of my estate, both real and personal, I give, devise and bequeath unto my wife, Pauline Beener, only if she be living at the time of my death.

THIRD: If my wife, Pauline Beener, has predeceased me or if it cannot be construed, presumed or determined that she has survived me in the event of our simultaneous deaths, then I give, devise and bequeath all of said rest, residue and remainder of my estate unto the Union State Bank of Winterset, Iowa, IN TRUST, HOWEVER, to be by it held, managed, and administered as follows:

- A. My Trustee shall divide said rest, residue and remainder of my estate into shares as follows:
 1. One quarter ($\frac{1}{4}$) for my stepson, Donnie D. Ver Steeg.
 2. One quarter ($\frac{1}{4}$) for my stepdaughter, Dixie L. Henderson.
 3. One half ($\frac{1}{2}$) divided equally among the grandchildren of my wife living at the time of my death.

I, Jerry L. Weiss, Clerk of the District Court of the State of Iowa, in and for Polk County, do hereby certify that this is a true and complete copy of the Original Instrument filed in this office.
 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my Office in Des Moines, Iowa, this 10 day of April, 1994.
 JERRY L. WEISS
 Clerk of the District Court
 By [Signature] Deputy

[Signature]
Signed for identification only

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- 2 -

- B. Said shares shall be paid and distributed to each of the above named stepchildren and grandchildren and one such share, per stirpes, to the then surviving issue of each then deceased stepchild of mine, provided however, that if any grandchild shall not have attained the age of twenty (20) years, the share or partial share which would otherwise be paid and distributed to such grandchild shall be designated with the name of such grandchild and shall continue to be held as a separate and distinct trust and trust fund.
- C. With respect to each such trust, my Trustee shall have full authority to hold, manage, invest and reinvest the property devised herein, to collect the income therefrom, to sell, lease, pledge, mortgage, transfer, exchange, convert or otherwise dispose of said property, including the right to select, designate and make division thereof, for the purpose of distribution to and from this Trust, upon the terms and conditions and for the purpose herein stated, to-wit:
1. In connection with the distribution of income, principal or corpus to each of said grandchildren from my trust estate, my Trustee may from time to time, pay or distribute such amounts, income, principal or corpus as may, in the sole opinion of my Trustee, be necessary to provide for the education and general welfare of each of said grandchildren. Such expenditure, however shall be made only upon approval of the Court having jurisdiction of the administration of this my Last Will and Testament.
 2. As each of said grandchildren attains the age of twenty (20) years, I direct that all of that grandchild's share of the Trust created herein shall terminate and all property then remaining in the hands of my Trustee for the benefit of that grandchild, income, principal or corpus, shall be distributed outright to said grandchild who has attained the age of twenty (20) years.
 3. In the event of the death of any of said grandchildren prior to the termination of the share of the Trust created for the grandchildren herein, then the share of such deceased grandchild shall be added to the share of the surviving grandchildren.
- D. No title in the trust created herein or in any property becoming a part of such trust or in the income therefrom, shall vest in any beneficiary, and neither the principal nor the income of any such trust estate shall be liable to be reached in any manner by the creditors of any beneficiary, and no beneficiary shall

Charles E. Bremer
Signed for identification only

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have the power to sell, assign, transfer, encumber or in any other manner to anticipate or dispose of his or her interest in any such trust estate or the income produced thereby, prior to the actual distribution by the Trustee to the beneficiary.

FOURTH: I hereby nominate and appoint my wife, Pauline Beener as Executor of this my Last Will and Testament. If the said Pauline Beener shall fail to qualify as such Executor for any reason, then I hereby nominate and appoint Donnie D. Ver Steeg and Dixie L. Henderson to act as Co-Executors of this Will and I request that no Executor named herein shall be required to furnish bond for the faithful performance of his or her duties as such Executor.

IN WITNESS WHEREOF I have hereunto set my hand at Ankeny, Polk County, Iowa, this 16 day of March, A.D., 1978.

Charles E. Beener

The foregoing instrument, consisting of three (3) pages of typewritten paper, including this page, was on this 16th day of March, A.D., 1978, subscribed by the Testator, Charles E. Beener, as and for his Last Will and Testament, in the presence of each of the undersigned, who, at his request and in his presence and in the presence of each other, have signed our names hereto, as subscribing witnesses.

Leri J. Gott 408 S.W. Third
Ankeny, Iowa 50021

Kang J. Eisenlow 408 S.W. Third
Ankeny, Iowa 50021

16010800

THE IOWA DISTRICT COURT

POLK COUNTY

IN THE MATTER OF THE ESTATE OF

CHARLES E. BEENER, Deceased.

Probate No. 56-16687
PETITION FOR PROBATE OF WILL WITHOUT PRESENT ADMINISTRATION

RECEIVED
POLK COUNTY, IA
933 NOV 16 AM 4:1
JERRY L. CROSS
CLERK DISTRICT COURT

STATE OF IOWA, COUNTY OF POLK } SS.

The undersigned being first duly sworn on oath (or affirmation) states as follows:

- 1. That on the 24th day of June, 1985, the above-named decedent died, then domiciled in and a resident of the said county.
2. That on the 16th day of March, 1978, the decedent made and executed an instrument, designated as a Last Will and Testament, of said date, and now on file.
3. That the undersigned petitions that said instrument be admitted to probate in this court, without present administration, as provided by law.
4. That the statements herein made are true to the personal knowledge and belief of the undersigned.

WHEREFORE, the undersigned prays that this affidavit be treated as a Petition for Probate of Will without present administration, with appropriate orders accordingly.

Dixie L. Henderson
DIXIE HENDERSON Petitioner

Address 2530 Glenbrook Drive
Des Moines, Iowa 50316

Subscribed and sworn to (or affirmed) before me this 16th day of November, 1988.

Mary L. Sanders
Clerk of Said District Court
Notary Public in and for said County and State



CERTIFICATE OF PROBATE

526-2684
RECEIVED
JUN 18 AM 4:48
JERRY L. WESS
CLERK DISTRICT COURT

State of Iowa, Polk County, ss:

I, Charles E. Bennett deceased, was

of the District Court of Polk County, Iowa, do hereby certify that the attached Will of

this 18 day of Nov. 1988 proven in said District Court,

and that the same was established as and decd by said Court to be the last Will and Testament of

Charles E. Bennett deceased, and that it was thereupon, by said

Court, ordered that said instrument be certified and recorded as such last Will and Testament, as by law required.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed

the seal of said Court at Des Moines this 18 day of

Nov. A. D. 1988

[Signature] Clerk of District Court

By [Signature] Deputy

6010802

THE IOWA DISTRICT COURT
POLK COUNTY

IN THE MATTER
OF THE ESTATE OF

CHARLES E. BEENER, Deceased.

PROBATE No. 56-26811

TESTIMONY OF SUBSCRIBING
WITNESS ON PROBATE OF WILL

RECEIVED
POLK COUNTY, IA
NOV 18 AM 4:41
JERRY L. WISS
CLERK DISTRICT COURT

STATE OF Iowa COUNTY OF Polk ss.

I, the undersigned, being first duly sworn (or affirmed), state:
I reside in the County of Polk, State of Iowa; I know
the testator on the 16th day of March, 1978, the date of the instrument, the original
or exact reproduction of which is attached hereto, now shown to me, and purporting to be the
Last Will and Testament of the said Charles E. Keener, deceased. I am one
of the subscribing witnesses to said instrument. At the said date of said instrument, I knew Teri J. Gott
the other subscribing wit-
ness(es); that said instrument was exhibited to me and to the other subscribing witness(es) by the testator, who declared
the same to be his Last Will and Testament, and was signed by the testa-
tor at Ankeny, in the County of Polk, State of
Iowa, on the date shown in said instrument, in the presence of myself and the other subscribing
witness(es) and we then and there, at the request of the testator, in the presence of said testator and in the presence
of each other, subscribed our names thereto as witnesses.

Larry J. Eisenhauer
Name of Witness LARRY J. EISENHAUER
710 NW 4th Drive
Street Address
Ankeny, Iowa 50021
City State Zip Code

Subscribed and sworn to (or affirmed) before me this 14th day of November, 1988

Clay E. Block
Notary Public in and for said County and State

Code Section 633.295

"... any one or more of the subscribing
witnesses ..."

TESTIMONY OF SUBSCRIBING
WITNESS ON PROBATE OF WILL



IOWA STATE BAR ASSOCIATION
Official Form No. P-102B
(Trade-Name Registered, State of Iowa, 1967)

16010804

THE IOWA DISTRICT COURT

POLK COUNTY

RECEIVED
NOV 18 AM 12 47
JERRY L. WESS
CLERK DISTRICT COURT

IN THE MATTER
OF THE ESTATE OF

CHARLES E. BEENER

Deceased.

Probate No. 56-26811

ORDER ADMITTING WILL
TO PROBATE
WITHOUT PRESENT
ADMINISTRATION

The instrument(s) dated the 16th day of March, 1978,

(Describe Codicil(s), if any)

heretofore filed herein, coming on for hearing on proof thereof, and purporting to be the last will and testament of the above named decedent, and the evidence being seen and heard in the manner provided by law, it is found*

that said instrument was ~~was~~ executed and witnessed as provided by law; and that it is the Last Will and Testament of the above named decedent.

IT IS THEREFORE ORDERED AND ADJUDGED that the above described instrument is admitted to probate as the Last Will and Testament of said decedent.

Signed this 18 day of November, 1988.

Nancy Buchanan
JUDGE
CLERK OF SAID COURT

*This space is reserved to insert a finding of the giving of notice where the Clerk or Court has ordered notice, such as "... that due and legal notice of the time and place of hearing has been given as heretofore ordered."

Probate Code 298-303; 305

ORDER ADMITTING WILL
TO PROBATE
WITHOUT PRESENT ADMINISTRATION



IOWA STATE BAR ASSOCIATION
Official Form No. P-104 1/2
(Group-Form Registered, State of Iowa, 1967)

16010803

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This Printing: September, 1979

FIDAVIT OF PUBLICATION

STATE OF IOWA }
POLK COUNTY } SS.

56-26811

FILED
POLK COUNTY
CLERK DISTRICT COURT

Marti Kline, being sworn, says she is the editor and publisher of The Altoona Herald-Mitchellville Index, a weekly newspaper of general circulation, published in Altoona, Polk County, Iowa.

That the notice, a printed copy of which is attached hereto and made part hereof, was published in the said Altoona Herald-Mitchellville Index, once each week for 2 consecutive weeks, the first publication being on the 8th day of December, 19 88, the second on the 15th day of December, 19 88, the third on the _____ day of _____, 19____, the fourth and last on the _____ day of _____, 19____.

Marti Kline

Subscribed and sworn to by Marti Kline, before me this 15th day of December, 19 88.

Cheryl A. Timmins
Notary Public

CHERYL A. TIMMINS
MY COMMISSION EXPIRES
9/10/90

Fee for publication 16.64
29 lines @.574

NOTICE OF PROOF OF WILL WITHOUT ADMINISTRATION
Probate No. 58-25811
The Iowa District Court, Polk County
In the Estate of Charles E. Seamer, Deceased.
To all persons interested in the estate of Charles E. Seamer, Deceased, who died on or about June 24, 1988:
You are hereby notified that on the 18th day of November, 1988, the last will and testament of Charles E. Seamer, deceased, bearing date of the 16th day of March, 1978, was admitted to probate in the above named court and there will be no present administration of the estate. Any action to set aside the will must be brought in the district court of said county within four months from the date of the second publication of this notice or thereafter be forever barred.
Dated this 2nd day of December, 1988.
Jerry L. Wells
Clerk of the district court
Mary Severino
Deputy
Craig E. Block
Attorney for said estate
110 SE Grant, Suite 205
Altoona, IA 50021
Published in the Altoona Herald-Mitchellville Index, December 8 and 15, 1988.