

Transcribed by:
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Juliann Walrath

General Index to Wills and Proceedings
Wills: Book 20 pages 337,338
Probated- September 5, 1892
Date of death: July 7, 1892

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Be it remembered, that heretofore, to wit, on the 16th day of August 1892 Adam Walrath, one of the executors named in the last will and testament of Juliann Walrath late of the town of St. Johnsville in the county of Montgomery, deceased, appeared in open court before Hon. John D. Wendell Surrogate of said county, and made application to have the said last will and testament which relates to real and personal property, proved; and on such application the said Surrogate did ascertain by satisfactory evidence who were the heirs at law and next of kin of said testatrix and persons in being who would take an interest in any portion of real or personal property under the provisions of the will, and the Executors or Trustees named or described therein, and their respective residences and the said Surrogate did thereupon issue a citation, in due form of law, directed to the said persons aforesaid by their respective names, stating their respective place of residence, requiring them to appear before the said Surrogate at his office in the Village of Fonda on the 5th day of September 1892, to attend the probate of said will. And afterwards, to wit, on the said Fifth day of September 1892, satisfactory evidence by affidavit was produced and presented to the said Surrogate of the due service of said citation in the mode prescribed by law, and on that day proponent appeared by M. Walrath his attorney and Dewitt C. Shutts as special guardian for Eugene Sanders a minor for the purpose of taking care of his interests in this matter. No one appearing to oppose the probate of said will, such proceedings were thereupon had afterwards that the said Surrogate took the proof of said will hereinafter set forth upon this Fifth day of September in the year one thousand eight hundred and ninety two; and he adjudged the said will to be a will valid to pass real and personal property, and the proofs thereof to be sufficient, which said last will and testament and the proofs thereof are as follows, that is to say:

The Will of Juliann Walrath

I, Juliann Walrath of the town of St. Johnsville County of Montgomery & State of N.Y. do make ordain publish & declare this my last will & testament in manner and form following that is to say. First, I direct the payment of my just debts if any and my funeral expenses. Second. I give and bequeath to my grandson Eugene Sanders the sum of one hundred dollars to be paid five years after my death. Third. I give bequeath & devise to my three sons James L. Walrath George A. Walrath and Joel Walrath, and their heirs all the residue of my Estate and property both real and personal of which I am now possessed share and share alike. Fourth. I direct that my farm hereby devised be continued whole entire and undivided for a period of six years after my death, and that no

sale of any share or interest be made by any devisee named herein during the period after aforesaid six years Except by & with the consent of all the devisees of my farm hereby devised thereto. Sixth. The omission to give my other children or grandchildren anything is intentional. Likewise I make constitute and appoint my sons Adam Walrath and Joel Walrath to be Executors of this my last will and testament hereby revoking all former wills by me made. In witness whereof, I have hereunto subscribed my name and affixed my seal the 25th day of September in the year of our Lord one thousand Eight hundred and ninety one.

Juliann X Walrath [L.S.]
her mark

The above written instrument was subscribed by the said Juliann Walrath in our presence and acknowledged by her to each of us, and she at the same time declared the above instrument so subscribed by her to be her last will and testament, and we at her request and in her presence and in the presence of each other do here sign as witnesses thereto. M. Walrath St. Johnsville N.Y. Adam Walrath Lassellville N.Y.

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State of New York,

SURROGATE'S COURT

County of Montgomery, ss

In the matter of proving the will of

Juliann Walrath deceased

Martin Walrath of the town of St. Johnsville in the county of Montgomery, and Adam Walrath of the town of St. Johnsville in the county of Montgomery being duly sworn and examined in open court before our Surrogate of said county, do depose and say, and each for himself deposeseth and saith that he was acquainted with Juliann Walrath in her life time, and was present and saw the said Juliann Walrath subscribe her name at the end of the instrument in writing now produced and shown, bearing date the 25th day of September 1891; that the said Juliann Walrath at the time she so subscribed it, declared the said instrument to be her last will and testament, and requested these deponents to subscribe their names as witnesses at the end of said instrument in the presence of the said Juliann Walrath and of each other. That the said Juliann Walrath at the time she so executed the said instrument was a citizen of the United States, an inhabitant of the county of Montgomery, of full age, of sound and disposing mind and memory, and in all respects competent to devise real estate, and not under any restraint or in any respects incompetent to devise real estate, and was in all respects competent to make a valid will. And the said Martin Walrath for himself further separately says that he drew said will for the testator at her request according to her directions and just as she desired it, and the same has been in deponent's custody ever since the execution thereof, and the same has not in any respect been altered or changed.

Taken, subscribed and sworn this 5th day
of September 1892, before me:

Martin Walrath
Adam Walrath

J. D. Wendell Surrogate

I, John D. Wendell Surrogate of the county of Montgomery, do hereby certify that the foregoing are true copies of the will, probate and proof thereof of Juliann Walrath deceased.

Registered the 5th day of September 1892

J. D. Wendell Surrogate