

LAST WILL AND TESTAMENT.

I, FRANKLIN WALRATH, of the Town of Minden in the County of Montgomery and State of New York, being of sound mind and memory, do make, publish and declare this my last WILL AND TESTAMENT, in manner following, that is to say:-

FIRST: I direct that all my just debts and funeral expenses be paid.

And these provisions are made a lien and charge upon all of said farm.

SECOND: I give and bequeath to my son WILLARD F. WALRATH all my farming implements, machinery, tools, horses, cattle, livestock and crops and produce on the farm owned by me and wife shall be, so long as she remains on said farm and accept known as my homestead farm.

I also give devise and bequeath to my said son WILLARD F. WALRATH my said homestead farm, which is situate in the Town of Minden, Montgomery County, New York, and also the house and lot of about 2 1/2 acres adjoining the same and purchased by me of John D. Young. This devise of said real estate to my son WILLARD is subject to the liens and charges herein imposed upon the same. Whenever I refer to my farm hereinafter, I include in such designation said house and lot of about 2 1/2 acres as a part of said homestead farm.

THIRD: I give to my wife MARY C. WALRATH the right to use and occupy during her life-time all of that portion of my homestead dwelling that is now occupied by my wife and myself;- and my daughter ALICE WALRATH shall also have the right to use and occupy with her mother, at all times that her mother occupies the same, the said portion of my homestead dwelling; and my said wife and said daughter each of them shall be supplied by my son WILLARD, during my wife's any one year, and the payment thereof is made a lien and

lifetime, while they so occupy said premises, with fuel (both coal and wood), and with vegetables, meat and provisions raised on the farm, and with conveyance to drive when they choose, and with all the ordinary comforts and requirements of life which the farm produces; and they shall in all respects be treated while on said farm, by my said son WILLARD as they should be treated by an affectionate son and brother. And these provisions are made a lien and charge upon all of said farm.

The provisions in this will made for my said wife shall be, so long as she remains on said farm and accept the support and maintenance above provided, in lieu of her dower interest and right in said real estate; but if, at any time during her lifetime she should, for any cause choose to leave said farm and reside elsewhere, then upon so leaving she shall, if she so elects, be entitled to receive from my said son WILLARD, the then present cash value of her dower right in said real estate, based upon legal rules upon her then age; such cash payment if she elects to take the same, to be received in place of further support from the farm and claim thereon under this paragraph of the will, but not in lieu of any other provisions made for her in and by this will. All of these provisions are made a lien and charge upon said <sup>the</sup> farm.

FOURTH: In addition to all other provisions made for my said wife, I will and direct that my said son WILLARD shall pay to my said wife each year during her lifetime, such sums of money as she shall call upon him to pay, not to exceed however the sum of TWO HUNDRED AND FIFTY DOLLARS in any one year; and the payment thereof is made a lien and

charge upon said farm. And whether WILLARD survives his mother or not there shall be paid to my wife such sums when called for by her, not exceeding said \$250 in any year, and the same is made a lien and charge upon said farm.

FIFTH: All the rest residue and remainder of my estate, I give devise and bequeath to my said wife MARY C. WALRATH to use during her lifetime, ~~one hundred and four.~~

SIXTH: Subject to such provisions for my wife I give and bequeath all my household furniture to my three children WILLARD J. WALRATH, ALICE WALRATH and EVA MAY SMITH, to be divided between them, share and share alike. ~~Walrath,~~

~~the testator, subscribed his name to this instrument, in our~~  
SEVENTH: Subject to such provisions for my wife I give ~~same~~ and bequeath all the rest, residue and remainder of my estate to my said two daughters ALICE WALRATH and EVA MAY SMITH, share and share alike; except however that if, at the time of my wife's death the same exceeds the sum of THREE THOUSAND DOLLARS, all that part thereof exceeding said THREE THOUSAND DOLLARS shall be divided equally between and I give and bequeath the same to my said three children WILLARD F. WALRAH ALICE WALRATH and EVA MAY SMITH, share and share alike.

~~F. H. SMITH~~ If at the death of my wife there should not be sufficient property left so that the shares of my said two daughters shall be equal to at least ONE THOUSAND DOLLARS each, then I direct that my said son WILLARD pay to each of them, whatever sum is necessary, in addition to their interest in said residuary estate, to make the full amount to each of them \$1,000., and the payment thereof is hereby made a lien and charge upon said farm.



of Franklin Walrath.

LASTLY I hereby appoint my said son WILLARD F. WALRATH executor of this my last Will and Testament, hereby revoking all former wills by me made.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, subscribing my name the Twelfth day of August, in the year one thousand nine hundred and four.

FRANKLIN WALRATH (L.S.)

We, whose names are hereto subscribed, do certify, that on the Twelfth day of August, 1904, Franklin Walrath, the testator, subscribed his name to this instrument, in our presence and in the presence of each of us, and at the same time, in our presence and hearing, declared the same to be his last Will and Testament, and requested us and each of us, to sign our names thereto as witnesses to the execution thereof, which we hereby do in the presence of the testator and of each other, on the said date, and write opposite our names our respective places of residence.

J. L. MOORE residing at Fort Plain, N. Y.

F. H. STICHT residing at Fort Plain, N. Y.

In all other respects except as herein modified, I do hereby ratify and confirm my last Will and Testament bearing date the twelfth day of August One thousand nine hundred and four.

IN WITNESS WHEREOF I have hereunto set my hand and seal the eighth day of January in the Year One thousand nine hundred and eight.

FRANKLIN WALRATH (L.S.)

A Codicil to the Last Will and Testament

Joseph L. Koon of Franklin Walrath.

Shant J. Wilco.

I, Franklin Walrath, of the Town of Minden, Montgomery County, State of New York, do hereby make, publish and declare this to be a codicil to my last Will and Testament.

Whereas on the twelfth day of August in the year One thousand nine hundred and four I made and executed my last Will and Testament in which I provided among other things as follows: "Lastly, I hereby appoint my son WILLARD F. WALRATH Executor of this, My last Will and Testament, hereby revoking all former Wills by me made,"

And Whereas, that I now desire that my daughter Alice Walrath shall also be executrix of my last Will and Testament, together with my said son as such Executor,

I will and direct that my said son Willard F. Walrath and my said daughter Alice Walrath shall be executor and executrix of my last Will and Testament, and do hereby change and modify the said clause above quoted from my last Will and Testament so that the same shall read as follows:

"LASTLY, I hereby appoint my said son WILLARD F. WALRATH and my said daughter ALICE WALRATH, to be executor and executrix of this my last Will and Testament, hereby revoking all former wills by me made."

In all other respects except as herein modified, I do hereby ratify and confirm my said last Will and Testament bearing date the twelfth day of August One thousand nine hundred and four.

IN WITNESS WHEREOF I have hereunto set my hand and seal the eighth day of January in the Year One thousand nine hundred and eight.

FRANKLIN WALRATH (L.S.)

Witness

Joseph L. Moore

Jacob J. Wiles.

We whose names are hereto subscribed do certify that on the eighth day of January in the year 1908, FRANKLIN WALRATH, the testator, subscribed his name to the foregoing instrument in our presence and in the presence of each of us, and at the same time, in our presence and hearing declared the same to be a codicil to his last Will and Testament and requested us and each of us to sign our names thereto as witnesses to the execution thereof, which we hereby do in the presence of the testator and of each other, on the said day, and write opposite our names our respective places of residence.

JOSEPH L. MOORE                      residing at                      Fort Plain, N. Y.

JACOB J. WILES                      residing at Fort Plain, N. Y./