

2507

Heath, Estler, Bertie & Harry Lee

\$.....

OFFICE OF PROBATE JUDGE

No.....

El Dorado, Kansas,

*Nov 5*

190*7*

STATE OF KANSAS. Butler County,

} ss.

Estate of

*Rachel Smith*

In the Probate Court

Received of

*J. T. Myer Probate Judge*

of the Estate of

*Rachel Smith*

the sum of

*Two*

DOLLARS

for

*work as Commissioners for Partition*

in above entitled Estate.

*Ben F. Meeks*

No 2507

Probate Court.  
Butler County.

ESTATE OF

F. B. 218

Heath Esther, Bertie & Harry Lee  
Minor.

Collins

~~Guardian~~

Post Office Address *Irwando*

|                     |               |      |
|---------------------|---------------|------|
| Petition Filed      | <i>22 Oct</i> | 1907 |
| Bond Approved       |               | 190  |
| Letters Granted     |               | 190  |
| Inventory Filed     |               | 190  |
| Sale Bill Filed     |               | 190  |
| First Report Filed  |               | 190  |
| Second Report Filed |               | 190  |
| Third Report Filed  |               | 190  |
| Fourth Report Filed |               | 190  |
| Fifth Report Filed  |               | 190  |

\$.....

OFFICE OF PROBATE JUDGE

No.....

El Dorado, Kansas,

*Nov 5 1907*

STATE OF KANSAS Butler County,

} 88.

Estate of *Rachel Smith*

In the Probate Court

Received of

*J. T. M. Probate Judge*

of the Estate of

*Rachel Smith*

the sum of

*Four*

DOLLARS

*for work as Commissioner of Partition*

*in above entitled Estate.*

*J. T. M.*

\$.....

OFFICE OF PROBATE JUDGE

No.....

El Dorado, Kansas,

*Nov 9 1907*

STATE OF KANSAS Butler County,

} 88.

Estate of *Rachel Smith*

In the Probate Court

Received of

*J. T. M. Probate Judge*

of the Estate of

*Rachel Smith*

the sum of

*Two*

DOLLARS

*for work as Commissioner of Partition*

*in above entitled Estate.*

*V. Brown.*

IN THE PROBATE COURT OF BUTLER COUNTY KANSAS.

In the matter of the estate of Frank Heath, deceased.

Application for the allotment of widows share of real estate.

Now comes Rachel Smith, and represents to the Honorable Court and shows. -

That Frank Heath, died in Butler County Kansas, intestate, on the 26th. day of June 1903, leaving as his sole and only heirs, Rachael Heath, his widow, now Rachel Smith, this petitioner, and *Esther Heath*, now aged 9 years, *Bessie Heath*, now aged 7 years and *Harry Lee Heath*, now aged 5 years, his children. That at the time of the death of the said Frank Heath, he was the owner of the following described real estate in Butler County Kansas to wit:- the West half ( $\frac{1}{2}$ ) of the South West Quarter of Section Eleven (11), Township Twenty six (26) Range Four (4). That at the time of the death of the said Frank Heath, said real estate was occupied by him and his family above enumerated, as their homestead. That the said widow, this petitioner, has re married since the death of her said husband Frank *Heath*, and is now the wife of *W. F.* Smith. That in the opinion of your petitioner, said real estate could be allotted, one half to the children of deceased and one half, to the widow, without manifest injury to any one interested in said real estate. That said deceased left no other real estate than that above described.

Wherefore your petitioner asks that your Honorable Court, ~~appoint three commissioners,~~ to divide and allot said real estate as is provided by law, one half in value to the widow, this petitioner, and one half in value to the children above named, and that *the Court appoint three commissioners to make said allotment* and that said commissioners report their action to the Court for its approval.

*Rachel Smith*

IN THE PROBATE COURT OF BUTLER COUNTY KANSAS.

In the matter of the estate of Frank Heath, deceased.

Application for the allotment of widows share of real estate.

Now comes Rachael Smith, and represents to the Honorable Court and shows. -

That Frnk Heath, died in Butler County Kansas, intestate, on the 26th. day of June 1903, leaving as his sole and only heirs, Rachael Heath, his widow, now Rachael Smith, this petitioner, and

*Esther Heath*, now aged 9 years, *Bertie Heath*, now aged 7 years and *Harry Lee Heath*, now aged 5 years, his children. That at the time of the death of the said Frank Heath,

he was the owner of the following described real estate in Butler

he was the owner of the following described real estate in Butler County Kansas to wit:- the West half ( $\frac{1}{2}$ ) of the South West Quarter of Section Eleven (11), Township Twenty six (26) Range Four (4). That at the time of the death of the said Frank Heath, said real estate was occupied by him and his family above enumerated, as their homestead. That the said widow, this petitioner, has re married since the death of her said husband Frank *Heath*, and is now the wife of *W. F.* Smith. That in the opinion of your petitioner, said real estate could be allotted, one half to the children of deceased and one half, to the widow, without manifest injury to any one interested in said real estate. That said deceased left no other real estate than that above described.

Wherefore your petitioner asks that your Honorable Court, ~~appoint three commissioners,~~ to divide and allot said real estate as is provided by law, one half in value to the widow, this petitioner, and one half in value to the children above named, *and that the Court appoint three commissioners to make said allotment* and that said commissioners report their action to the Court for its approval.

*Rachel Smith*





IN THE PROBATE COURT OF BUTLER COUNTY KANSAS.

In the matter of the estate of Frank Heath deceased.

Now on this 22nd day of October 1907, came into open Court, Rachel Heath, (now Rachel Smith), the widow of Frank Heath, deceased, and filed in and with said Court, her application for the division and allotment of the real estate belonging to said Frank Heath, at the time of his death, one half in value to the said widow and one half to the minor children of deceased.

Whereupon the Court proceeded to a hearing of said petition and finds that Frank Heath died intestate in Butler County Kansas, on the 26th. day of June 1903, leaving surviving him as his sole and only heirs at law, his widow, Rachel Heath, (now Rachel Smith) the petitioner herein, and Esther Heath, now aged 9 years, Bettie Heath, now aged 7 years and Harry Lee Heath now aged 5 years, his children. That at the time of the death of the said Frank Heath, he was the owner of the following described real estate in Butler County Kansas to wit:- the West half ( $\frac{1}{2}$ ) of the South West Quarter ( $\frac{1}{4}$ ) of Section Eleven (11), in Township Twenty Six (26) Range Four (4) East. That at the time of the death of the said Frank Heath as aforesaid, the real estate above described was occupied by him and his said wife and children as their homestead.

That said petitioner, Rachel Heath, has re-married, since the death of her said husband Frank Heath, and she is now the wife of W. T. Smith. The Court further finds that said real estate can be divided without manifest injury to said real estate or the interest of any one in said real estate. The Court further finds that the said Frank Heath owned no other real estate than that above described, *at the time of his death.*

It is therefore by the Court considered, ordered, and adjudged, that said petition be granted, and that said real estate be divided and allotted, one half in value thereof, to the said widow,

IN THE PROBATE COURT OF BUTLER COUNTY KANSAS.

In the matter of the estate of Frank Heath deceased.

Now on this 22nd day of October 1907, came into open court, Rachel Heath, (now Rachel Smith), the widow of Frank Heath, deceased, and filed in and with said Court, her application for the division and allotment of the real estate belonging to said Frank Heath, at the time of his death, one half in value to the said widow and one half to the minor children of deceased.

Whereupon the Court proceeded to a hearing of said petition and finds that Frank Heath died intestate in Butler County Kansas, on the 26th. day of June 1903, leaving surviving him as his sole and only heirs at law, his widow, Rachel Heath, (now Rachel Smith) the petitioner herein, and Esther Heath, now aged 9 years, Bettie Heath, now aged 7 years and Harry Lee Heath now aged 5 years, his children. That at the time of the death of the said Frank Heath, he was the owner of the following described real estate in Butler

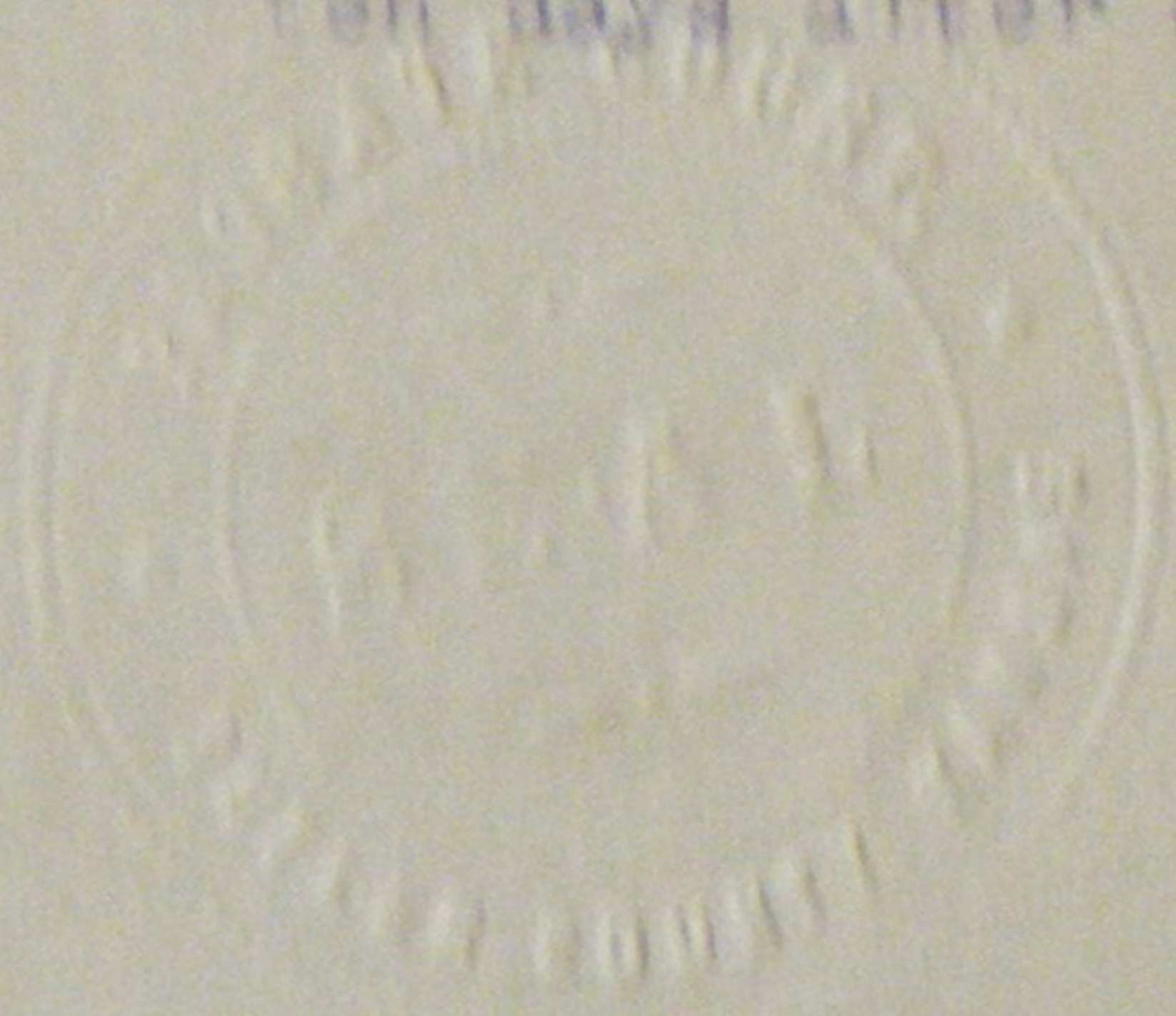
he was the owner of the following described real estate in Butler County Kansas to wit:- the West half (~~1/2~~) of the South West Quarter (1) of Section Eleven (11), in Township Twenty Six (26) Range Four (4) East. That at the time of the death of the said Frank Heath as aforesaid, the real estate above described was occupied by him and his said wife and children as their homestead.

That said petitioner, Rachel Heath, has re-married, since the death of her said husband Frank Heath, and she is now the wife of W. T. Smith. The Court further finds that said real estate can be divided without manifest injury to said real estate or the interest of any one in said real estate. The Court further finds that the said Frank Heath owned no other real estate than that above described, *at the time of his death*

It is therefore by the Court Considered, ordered, and adjudged, that said petition be granted, and that said real estate be divided and allotted, one half in value thereof, to the said widow,

Rachel Heath (now Rachel Smith), and one half to the minor children of said deceased, as provided by law, and ~~James V Brown~~ *V Brown*  
*B F Meeker* and *John Lamb*, three disinterested householders of Butler county Kansas, are hereby appointed to make such division and allotment.

It is further ordered that said commissioners, make such division and allotment on the *24* day of October 1907, and that they report their action under this order to this court within ten days after said *24* day of October 1907.



*James S. [Signature]*  
Probate Judge

Commissioner  
APPOINTMENT OF APPRAISERS.

In the Probate Court of Butler County, Kansas.

In the matter of the Estate of Frank Heath Deceased.

On this 22<sup>nd</sup> day of October A. D. 1907, it is ordered by said court that

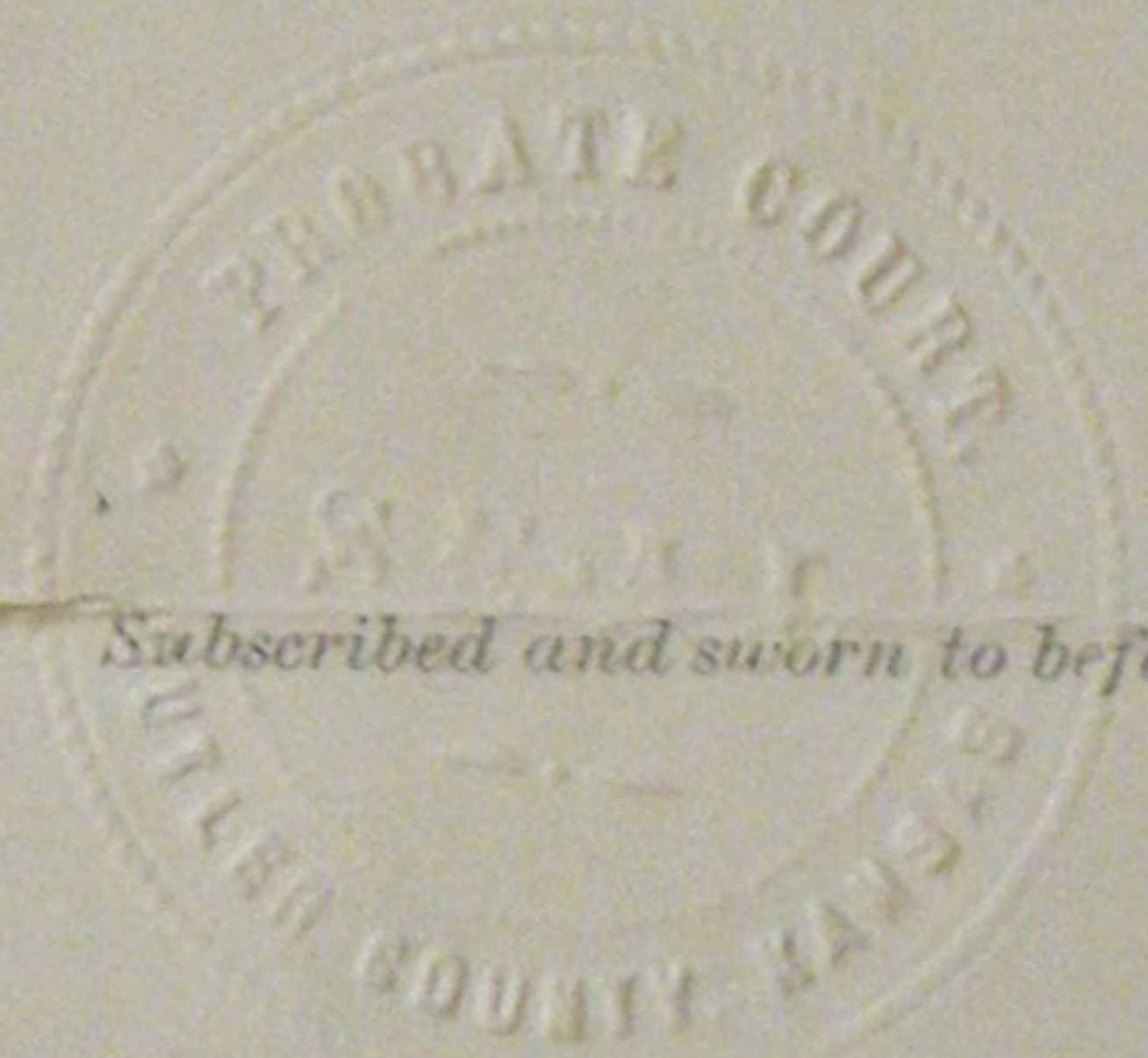
V. Brown, B. F. Meeks  
and John Lamb  
three disinterested householders of said county,  
and they are hereby appointed Commissioners to divide and allot the W<sup>1/2</sup> of S. W. 1/4 of Sec. 11, Tp. 26, R. 4 in Butler County Kansas which belonged to the  
the said Frank Heath deceased at the time of his death, one half in  
Rachel Smith the widow of deceased and one half in value to the minor children  
of deceased  
James T. Mye Probate Judge

Affidavit to Honestly, Truly and Impartially Appraise the Real Estate of Frank Heath Deceased.  
State of Kansas, Butler County, ss.

We V. Brown, B. F. Meeks  
and John Lamb  
Commissioners to divide  
and allot the W<sup>1/2</sup> of S. W. 1/4 of sec. 11, Tp. 26 R. 4 in Butler County Kansas  
deceased, ordered by the Probate Court of said  
County and State to be divided and allotted,  
do solemnly swear that we are householders of said County, and in no wise interested  
in said estate, and that we will upon actual view, honestly, truly and impartially such Real Estate,  
as provided by law and the order of said court, one half in value to the widow  
Frank Heath deceased, and one half in value to the minor children of said estate.

V. Brown.  
B. F. Meeks  
John Lamb.  
Commissioners  
APPRAISERS.

Subscribed and sworn to before me this 24<sup>th</sup> day of October A. D., 1907  
James T. Mye Probate Judge



APPRAISEMENT  
allotment.

State of Kansas, Butler County, ss.

We V. Brown, B. F. Meeks  
and John Lamb  
do hereby certify, that we have viewed the following

described Real Estate, situated in Butler County, Kansas to wit: The west half of the southwest  
Quarter of Section 11 Tp. 26, Range 4 E. in Butler County  
Kansas, and that upon actual view and personal examina-  
tion we have divided and allotted said real estate as  
follows. To wit: WE allot the southwest quarter (1/4) of the  
South west quarter of sec. 11, Tp. 26, Range 4 east, to Esther  
Heath, Bertie Heath and Harry Lee Heath, jointly, they being minors  
and the only children of Frank Heath deceased. and we allot the north  
west quarter (1/4) of the southwest quarter (1/4) of sec. 11, Tp. 26, R. 4. To  
Rachel Heath (now Rachel Smith)  
the widow of the said Frank Heath.

Dollars.

Dated this 24 day of October A. D., 1907

V. Brown.  
B. F. Meeks  
John Lamb.  
Commissioners  
APPRAISERS.

Commissioner  
APPOINTMENT OF APPRAISERS.

In the Probate Court of Butler County, Kansas.

In the matter of the Estate of Frank Heath Deceased.

On this 22<sup>nd</sup> day of October A. D. 1907, it is ordered by said court that

V. Brown, B. F. Meeks  
and John Lauch three disinterested householders of said county,

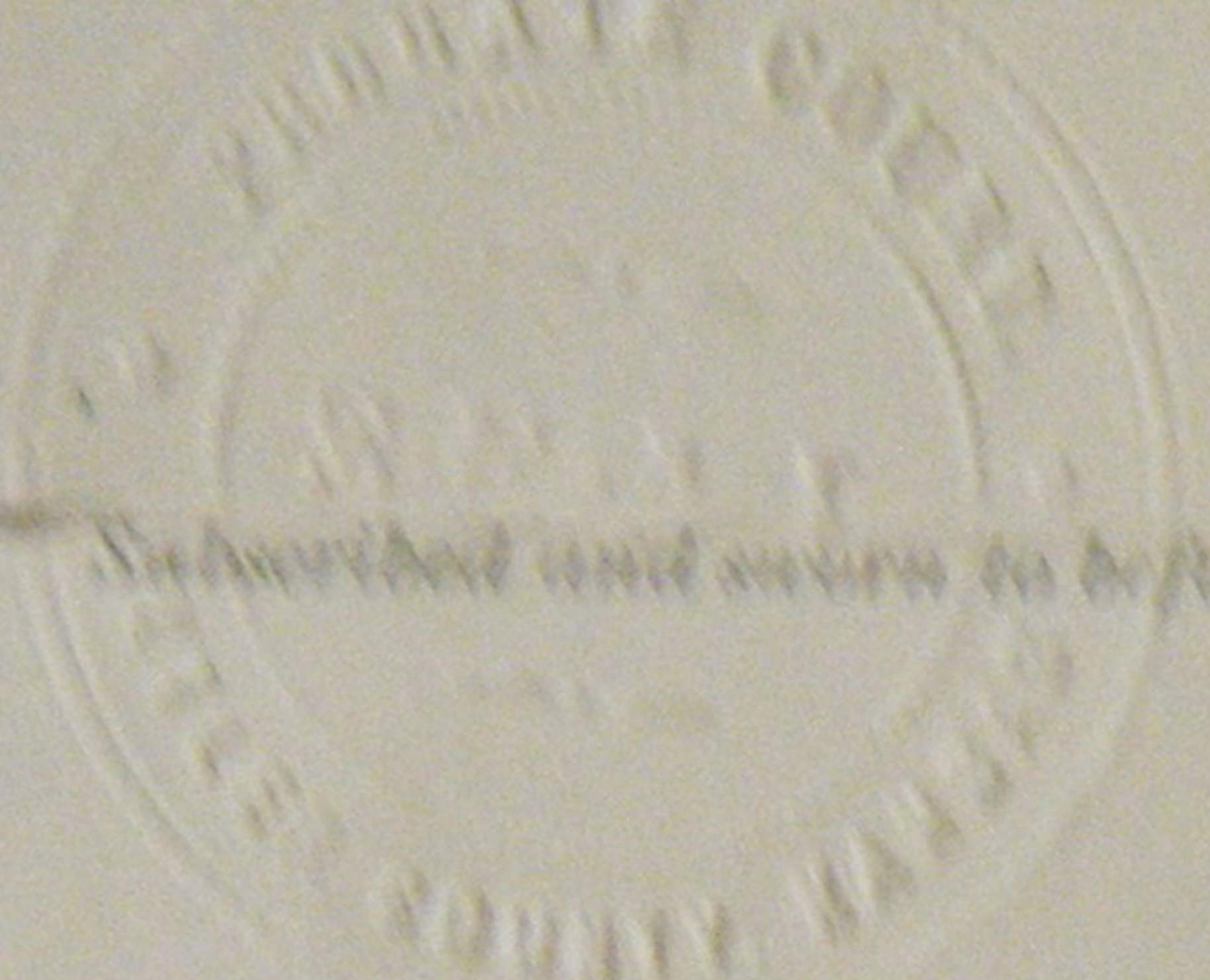
Commissioners to divide and allot the W 1/2 of S. 10.  
be and they are hereby appointed Appraisers of the real estate of deceased,  
1/4 of Sec 11. T. 26. R. 4 in Butler County Kansas which belonged to the  
ordered by this Court to be sold, said order being made on the day of 1. D. 190  
the said Frank Heath deceased at the time of his death, one half in  
as shall be shown them by of said estate. value to Rachel Heath (now  
Rachel Smith) the widow of deceased and one half in value to the minor children  
of deceased James J. Hye Probate Judge

Affidavit to Honestly, Truly and Impartially Appraise the Real Estate of Frank Heath Deceased.

State of Kansas, Butler County, ss.

We V. Brown, B. F. Meeks Commissioners to divide  
and John Lauch having been appointed Appraisers of the Real Estate  
and allot the W 1/2 of S. 10. 1/4 of sec. 11. T. 26 R. 4 in Butler County Kansas  
belonging to the estate of Frank Heath deceased, ordered by the Probate Court of said

County and State to be ~~at~~, do solemnly swear that we are householders of said County, and in no wise interested  
in said estate, and that we will upon actual view, honestly, truly and impartially ~~appraise~~ divide and allot such Real Estate, as it  
as provided by law and the order of said court, one half in value to the widow  
shall be shown us by and one half in value to the minor children of said estate.  
Frank Heath deceased.



Witness my hand and seal of office this 24th day of October 1907

B. J. Meers  
John Jacob

Subscribed and sworn to before me this 24th day of October A. D. 1907

James T. Byrnes Probate Judge

APPRAISMENT  
allotment.

State of Kansas, Butler County, ss.

vs. V Brown, B J Meers  
and John Jacob

do hereby certify, that we have viewed the following

described Real Estate, situated in Butler County, Kansas to wit: The west half of the southwest quarter of Section 11, T. 26, Range 11 E. in Butler County, Kansas, and that upon actual view and personal examination we have divided and allotted said real estate as follows to wit: We allot the southwest quarter (1/4) of the southwest quarter of Sec. 11, T. 26, Range 11 East, to Esther Heath, Bertie Heath and Mary Ann Heath, jointly, they being widows and the only children of Frank Heath deceased. And we allot the west west quarter (1/4) of the southwest quarter (1/4) of Sec. 11, T. 26, R. 11 E. and that we also allot said west west quarter (1/4) of the southwest quarter (1/4) of Sec. 11, T. 26, R. 11 E. to Rachel Heath (now Rachel Smith), the widow of the said Frank Heath.

Testimony

Dated this 24th day of October A. D. 1907

V. Brown  
B. J. Meers  
John Jacob

Witness my hand and seal of office this 24th day of October 1907

## IN THE PROBATE COURT OF BUTLER COUNTY KANSAS.

In the matter of the estate of Frank Heath deceased.

Now on this 24th. day of October 1907, comes into open Court, V. Brown, B. F. Meeks and John Lamb, the Commissioners appointed by this Court, to divide and allot, the West half ( $\frac{1}{2}$ ) of the South West Quarter, ( $\frac{1}{4}$ ), of Section 11, in Township 26, South of Range 4 East, in Butler County, Kansas, between Rachel Smith, formerly Rachel *Heath* the widow of Frank Heath deceased, and Esther Heath, Bertie Heath, and Harry Lee Heath, the minor children and heirs of the said Frank Heath deceased. Whereupon said Commissioners filed in and with this Court, their report of their action under said order of this Court, from which it appears that after being first duly sworn to faithfully and impartially perform their duty under the law and the ~~said~~ order of the Court, proceeded to divide and allot said real estate, and that they allotted to Rachel Smith, formerly Rachel *Heath*, the widow of Frank Heath deceased, the North West Quarter, ( $\frac{1}{4}$ ) of the South West Quarter ( $\frac{1}{2}$ ) of Section Eleven (11) of Township Twenty Six (26) Range Four (4) East, in Butler County Kansas, and that they allotted to Esther Heath, Bertie Heath and Harry Lee Heath, the minor heirs and only children of Frank Heath deceased, the South ~~West~~ West Quarter ( $\frac{1}{2}$ ) of the South West Quarter ( $\frac{1}{2}$ ) of Section Eleven (11), in township Twenty Six (26) in Range Four (4) East, in Butler County Kansas. Whereupon the Court proceeded to examine said report and to ascertain the correctness and justness thereof ~~and~~ and being fully advised in the premises, finds that said proceedings are regular and in due form. The Court further finds that said division and allotment is a <sup>1</sup>fair and just one and should be approved and confirmed. It is therefore by the Court considered, ordered and adjudged, that said report of said Commissioners ~~and~~ *the division and allotment made by them be and the*