

Will Book 4 p 536
 "Will of Harold Jolly Beard"

The State of Ohio) No. 24234
 Mahoning County, St.)

Be it Remembered, That hitherto, to wit:
 On the 8th day of February, in the year of our Lord,
 One Thousand Nine Hundred and Thirty-five, in
 the Probate Court, within and for the County of
 Mahoning and State of Ohio, an instrument in writ-
 ing purporting to be the last will and testament of
 Harold Jolly Beard, late of Youngstown, this County,
 deceased, was produced in open court for probate;
 it is now ordered that the said will be filed in
 this Court and it appearing to the Court that there
 are no next of kin of the testator, resident of
 the State of Ohio: notice is dispensed with and said
 application will be for hearing before this Court on
 the 9th day of February, A.D. 1935, at 10 o'clock, A.M.

Thereupon on the 8th day of February, A.D.
 1935, at 10 o'clock, A.M. this cause came on to be
 heard and it appearing to the Court that there
 are no next of kin of the testator, resident of the
 State of Ohio, thereupon this day came G. E.
 No. 12th, Jr. and Hilda Isabel Esch Miller, the sub-
 witnesses to said Will, who being duly sworn,
 testified to the due execution and attestation of
 said will, which testimony was reduced to
 writing by said witnesses respectively sub-
 scribed and filed with said will.

Whereupon the Court finds the aforesaid
 instrument of writing is the last Will and
 Testament of said Harold Jolly Beard, deceased
 that the same was duly executed and attested
 and that the said testator at the time of
 making, signing and sealing the same was
 of full age and of sound mind and memory,
 and not under any restraint.

It is therefore by the Court ordered that
 the said Will be admitted to probate and
 that the same together with the testimony of
 the witnesses above named be entered of
 record in this Court, which said application

542
Last Will and Testament and Testimony of Witnesses
to Will, follow in these words and figures, to-wit:-
Probate Court - Mahoning County, Ohio

In the matter of the Last
Will and Testament of : Application to admit
Mr. Harold Jolly Beard, deceased : to Probate

To The Probate Court of Said County:

Your petitioner respectfully represents that
Harold J. Beard, late a resident of the City Youngstown,
Ohio, in said County died on or about the 30th day
of January, 1935, leaving an instrument in
writing purporting to be his
Last Will and Testament.

That the said Harold J. Beard died leaving
the following named persons his only next of kin:-

Names	Age of Minor	Kinship	D.C. Address
Taylor Beard		Father	Hardinsburg, Kentucky
A. J. Beard		Brother	" "
Hannah B. White		Sister	Danvers, Mass.
Judith E. Coffman		"	Washington, D.C.
Mary L. Hook		Niece	Hardinsburg, Kentucky
Eula Beard		"	" "
Lucy "		"	" "
Margaret Beard	16,	"	" "
Harold H. Beard		Nephew	" "
Arthur Beard		"	" "
George A. Beard		"	" "
Herbert Beard		"	Livingston, "

Your petitioner offers said will for
probate and prays that a time may be fixed
for the proving of the same, and that said
above named persons residents in this State
may be notified according to law of the pendency
of said proceedings.

Wm. W. Zimmerman, Petitioner The State of
Ohio, Mahoning County, SS:

The above named William W. Zimmerman
being first duly sworn, says that the facts
stated and allegations in the foregoing ap-
plication contained, are true as he verily believes.
Wm. W. Zimmerman

Sworn to before me and signed in my presence, this 5th day of February 1935.

Seal

Hilda Isabel Miller, Notary Public

My commission expires Sept. 26, 1936

Wm. W. Zimmerman, Attorney

"Last Will And Testament"

of
Harold J. Beard

I Harold J. Beard, of Youngstown, Ohio, do make and declare this instrument my Last Will and Testament, revoking all former wills by me made.

Item I. I direct that all my just debts and funeral expenses be paid by my executor, and further direct my executor to pay any incumbrances existing at the time of my death, whether created by me or not, on either or all of the following three tracts of land, viz: the homestead farm consisting of one hundred acres; the arched tract consisting of six acres; and the Linnon tract consisting of thirty acres.

Item II. I give, devise and bequeath the sum of Five Hundred (\$500) Dollars to my woman who has been employed in my office, or the office in which I am a partner, for a period of five (5) years or more, and who is so employed at the time of my death.

Item III. I give, devise and bequeath my silverware, cutglass and other personal effects, now in possession of my sister, Hannah B. White, to my said sister.

I give, devise and bequeath my diamond ring to my sister, Judith B. Coffman; my gold watch and chain to my nephew George A. Beard. My gold wrist watch to my nephew Harold J. Beard; my wearing apparel to my brother Arthur J. Beard; and all other personal belongings used, or intended for use on my person or in or about my residence, to my brothers and sisters, Thos. B. Beard,

Arthur I. Beard, Hannok B. White, Judith B. Coffman, and to my nephew Herbert M. Beard, Jr. shall and share a like, and I direct that my executor make such division of such miscellaneous personal effects, not included above, as he deems proper, and his judgment as to such division, shall be final and conclusive.

In the event that any of the beneficiaries, hereinbefore named, shall predecease me, then I direct that my executor distribute such personalty, as such deceased beneficiary would have received under this item, to the surviving beneficiaries, in such a manner as such beneficiaries may agree upon, and if no agreement can be reached, by such beneficiaries, for such distribution, my executor shall cause the same to be sold and shall distribute the proceeds in equal shares, among the surviving beneficiaries aforesaid.

Item IV. I give, devise and bequeath to my brother, Arthur I. Beard, and his wife, Lellie Beard, during the terms of their natural lives, all my right, title, interest and equity, in and to the following ^{three} tracts of land, viz: The homestead farm consisting of one hundred acres; the orchard tract consisting of six acres; and the Linnon tract consisting of thirty acres, all situated in or about Hardinsburg, Fleckinridge County, Kentucky including the interest therein acquired by purchase as well as the interest inherited by me. As heretofore provided in Item I, my executor shall pay and discharge any incumbrances existing at the time of my death, whether created by me or not, on either or all of said three tracts of land. At the death of both Arthur I. Beard and Lellie Beard, or at my death, if neither survives me, I give, devise and bequeath all three said tracts of land to the issue of my brother, Arthur I. Beard, in equal shares, per stirpes, absolutely as their own property.

Item V. After the payment of all debts, and the incumbrances mentioned in Item IV, I direct that the proceeds of all the rest and

residue of my property, both real and personal, which my executor is hereby authorized to sell and convey, and good sufficient deeds to make, where necessary, be distributed in the following manner:

To my sister, Hannah B. White, a one third part thereof on condition that she and her husband, if living, execute and deliver a quit-claim deed, for the three tracts of land mentioned in Item IV. of this will, to Arthur J. Beard and Sallie Beard, if both are then living. If either is dead, said deed shall be executed to the survivor. Said deed shall be for the life of the grantee, with the remainder to the issue of Arthur J. Beard. If both Arthur J. Beard, and Sallie Beard, are then dead, said deed shall be executed and delivered to the issue of Arthur J. Beard.

To my sister, Judith B. Coffman, a one third part thereof, on the same condition which attaches to the devise in this Item, to Hannah B. White.

To George A. Beard, Trustee, for the uses and purposes herein set forth, a one sixth part thereof, on the same condition which attaches to the devise in this Item, to Hannah B. White, and I hereby authorize and empower the said Trustee to execute and deliver the necessary quit claim deed.

To my nephew, Herbert M. Beard, Jr. a one sixth part thereof, on the same condition which attaches to the devise in this Item, to Hannah B. White, and I hereby authorize and empower his guardian or trustee to execute and deliver the necessary quit-claim deed.

I hereby nominate Margaret Cornsiff Beard to be the guardian of said Herbert M. Beard, Jr. Said guardian to be appointed by the proper court of the residue of said Herbert M. Beard, Jr. When he arrives at the age of twenty-one years said property is to be paid and delivered to him absolutely. In the meantime the income therefrom, and the principal, is in the discretion of said

guardian, it is necessary is to be used for his support and education. If the said Hubert M. Beard Jr. shall die before he reaches the age of Twenty-one years, I give said property to Margaret Conniff Beard. In case the law of the State, where Hubert M. Beard, Jr. resides, does not permit the appointment of Margaret Conniff Beard as his guardian, then I give, devise and bequeath said one-sixth of said property to Margaret Conniff Beard, in trust, nevertheless, for the use and purposes above mentioned.

The devise herein to George A. Beard, Trustee is in trust, nevertheless, for the following use and purposes: Said trustee shall invest said one-sixth part, and shall pay the income therefrom, quarterly or semi-annually, to Thomas B. Beard and Cora H. Beard, share and share alike, as long as both shall live. On the death of either, said trustee shall pay said income to the survivor, as long as the survivor shall live. On the death of both, said trustee shall divide said principal trust fund, and any unpaid accumulations, less his reasonable charge, to the children of Thos. B. Beard and Cora H. Beard, per stirpes. In case said trustee, in his sole judgment, shall deem it proper or necessary, to pay any part of said principal sum to said Thomas B. Beard, and Cora H. Beard, or the survivor, he is authorized and empowered to do so, but neither Thomas B. Beard nor Cora H. Beard shall have any right to assign, transfer or encumber said trust fund, or any income therefrom, or make any disposition whatever thereof until the same is actually delivered into their possession and control, and no lien may be created thereon in any manner, by any creditor or other person, until after the same is so delivered by said trustee into the hands of said Thomas B. Beard and Cora H. Beard, or their survivor. On the death of ^{both} Thomas B. Beard and Cora H. Beard, any property remaining in the hands of said trustee shall be divided equally, among the children of Thomas B. Beard and Cora H. Beard, or their heirs per stirpes.

Item II. I appoint William H. Zimmerman, Executor of this instrument.

In witness whereof, I have hereunto set my hand this 18th day of December, 1931.

Harold J. Beard

Signed and acknowledge by the testator, as and for his last Will and Testament, in the presence of us, who, at his request, and in his presence, and the presence of each other, have hereunto subscribed our names as attesting witnesses this 18th day of December, 1931.

G. E. McMahon, Jr. - Address - Youngstown Ohio

Hilda Isabel Eck " " "

" Probate Court, Mahoning County Ohio "

In the matter of the Will of : Probate of Will
Harold Jolly Beard, deceased : Testimony of Witnesses
The State of Ohio, Mahoning County, SS.

Personally appeared in open court G. E. McMahon, Jr. and Hilda Isabel Eck who being first duly sworn to testify the truth, the whole truth, and nothing but the truth, in relation to the execution of the Will of Harold Jolly Beard, deceased, depose and say:

That they were present at the execution of the instrument of writing now before them bearing date the 18th day of December, 1931, purporting to be the will of Harold Jolly Beard, deceased, that they respectively subscribed their names thereto as witnesses at the request of said testator and in his presence; that they heard said testator acknowledge said instrument as his Will; that they saw said testator subscribe his name - heard said testator acknowledge his signature at the end of said instrument, and that said Harold Jolly Beard at the time of executing the same was of full age, of sound mind and memory, and not under restraint.

G. E. McMahon, Jr.

Hilda Isabel Eck Miller

Sworn to before me and signed in my presence by said witnesses in open court, this 8th day of Feb. 1935.

Clifford M. Woodside Probate Judge