

Estate of Berry Tillman Lane

ben married.

Q: Yesterday afternoon did you send a telegram to the four children of Mrs. Mollie Abbott at Salt Lake City asking authority for this to be heard and the matters determined.

A: Yes, sir.

Q: And did you receive that authority and ask me to present it? A: Yes, sir.

Q: As I call the names of these heirs I want you to tell me where they live.

A: The names and residences of the heirs of my parents are as follows:

J. T. Lane,	Rogers, Arkansas.
Ella Simond,	Wichita Falls, Texas.
W. I. Lane,	Wayside, Texas.
R. K. Lane,	Wichita Falls, Texas.
C. W. Lane,	Bazine, Kansas.
Orine Lewis,	Wichita Falls, Texas.
Julia Alexander,	" "
J. T. Lane, Jr.,	Oakland, Cal.
Beulah Lane,	Wichita Falls, Texas.
Flora Lane,	" "
Fauline Lane,	" "
Mrs. Lula T. Lane,	" "
Rose Mary Lane,	Wichita Falls, Texas.
Lloyd Noel Lane,	" "
Roy Abbott,	Garfield, Utah.
Hazel Kraus,	Salt Lake City, Utah.
Dollie Neilsen,	" "
Edna Wright,	" "

THE STATE OF TEXAS:
COUNTY OF WICHITA:

I, Mrs. Ella Simond, being the witness who testified as above shown, have read the above testimony and the facts therein stated are true.

Ella Simonds.

Sworn to and subscribed before me this the 16th day of August, A.D. 1926.

Sent)

Guy Rogers, Notary Public,
Wichita Co., Texas.

Filed August 16th, 1926,
Elizabeth Hall, Clerk County Court,
Wichita County, Texas.
by-K. F. Yeager, Deputy.

JUDGMENT

No. 1648
In re; heirship of B. T. Lane
and Mrs. A. C. Lane, deceased. In the County Court of
Wichita County, Texas.

Be it remembered that on this the 16th day of August, 1926, came on to be heard the above entitled and numbered cause now pending in the County Court of Wichita County, Texas, and there appearing in person J. T. Lane, Ella Simond, Henry Simond, W. I. Lane, R. K. Lane, C. W. Lane, Orine Lewis, Ira Lewis, Julia Alexander, Otis Alexander, J. T. Lane, Jr., Beulah Lane, Flora Lane, Pauline Lane, Rose Mary Lane and Lloyd Noel Lane, the three parties last named being minors and appearing herein by and through their next friend W. I. Lane; and there appearing by answer and waiver of citation under due authority upon behalf of Roy Abbott, Hazel Kraus, Dollie Neilsen et vir, Alex Neilsen, Edna Wright et vir, Don Wright and Mrs. Lula T. Lane, and all parties above named announcing ready for trial and a jury being waived, all matters of fact as well as of law were to the Court submitted, and evidence introduced and considered by the Court, in consideration of all of which, as well as the law applicable thereto, the Court decrees the following facts to exist:

1. That Mrs. A. C. Lane, wife of B. T. Lane, died in Wichita Falls, Texas, April 23, 1925. That B. T. Lane died in Wichita Falls, Texas, August 13, 1923. That B. T. Lane and Mrs. A. C. Lane were married but one time and that to each other. That to said marriage the following children were born;

J. T. Lane, Ella Simond, wife of Henry Simond, W. I. Lane, R. K. Lane, C. W. Lane, J. W. Lane who died during the month of October 1918, Mollie Abbott who died May 23, 1926.

2. That J. T. Lane, Ella Simond, W. I. Lane, R. K. Lane, and C. W. Lane are now living and each is over 21 years of age. The place and residence of said parties is as follows:

J. T. Lane,	Rogers, Arkansas,
Ella Simond,	Wichita Falls, Texas,
W. I. Lane,	Wayside, Texas,
R. K. Lane,	Wichita Falls, Texas,

(8) M. N. Lane who died in the month of December, 1917, and who left surviving him, Rose Mary Lane and Lloyd Noel Lane, Jr.,
(8) Mollie Abbott who died May 23, 1926. There were born to Mrs. Mollie Abbott the following children:

- (1) Roy Abbott,
- (2) Hazel Kraus, a feme sole, - 9605
- (3) Dollie Neilsen, wife of Alex Neilsen, 9606
- (4) Edna Wright, wife of Don Wright. 9607

That all of said heirs are now full twenty one years of age, except Rose Marie Lane and Suddy Land.

That the above named individuals are the heirs and only heirs of B. T. Lane and Mrs. A. C. Lane, deceased, both of whom died in Wichita County, Texas, intestate.

That diligent search has been made among all the effects of said decedents and your petitioners know that no will was left by either. That there exists no necessity for an administration of the estate of either of said decedents.

- That said B. T. Lane and Mrs. A. C. Lane accumulated certain community property to which the heirs at law of decedents are at this time entitled, to-wit:
- a. Residence at 1009 - 15th St., Wichita Falls, Texas.
 - b. Resident property at 1506 Elizabeth St., sometimes referred to as 16th Street being at the end of Magnolia St., Wichita Falls, Texas.
 - c. A savings account in the City National Bank of Wichita Falls, Texas, of approximately seven thousand dollars.
 - d. A checking account in the City National Bank of Wichita Falls, Texas, of about \$230.07.
 - e. A safety deposit box in the City National Bank of Wichita Falls, Texas, in which are various and sundry papers all of an undetermined nature, but among which no will is contained, search having been made in the presence of the officers of said bank.

Wherefore, your petitioners pray that the heirship of B. T. Lane and Mrs. A. C. Lane, both deceased, be determined, and that a judgment be entered fixing and establishing the heirship of said parties, and for such other and further orders, judgments and decrees as in the premises may seem mete and proper.

THE STATE OF TEXAS:
COUNTY OF WICHITA :

Before me, the undersigned authority, on this day personally appeared the affiants whose names are subscribed hereto, who being by me severally sworn on oath depose and say:

That they have read the above and foregoing petition and that in so far as is known to such affiants respectively, all of the allegations of such petition are true in substance and in fact, and that no such material fact or circumstance has, within affiants' knowledge, been omitted from such petition.

J. T. Lane.
Ella Simonds.
W. I. Lane.
R. K. Lane.
C. W. Lane.
Greene Lewis.
Julia Alexander.
J. T. Lane Jr.
Beulah Lane.
Flora Lane.
Pauline Lane.

Sworn to and subscribed before me this the 16 day of August, A.D. 1928.

(Seal)

Guy Rogers. Notary Public,
Wichita County, Texas.

Filed August 16th, 1928,
Elizabeth Hall, Clerk County Court,
Wichita County, Texas.
By-M. F. Yeager. Deputy.

WAIVER

No. 1648
In re: Heirship of B. T. Lane In the County Court of
and Mrs. A. C. Lane, deceased. Wichita County, Texas.

To the Honorable E. W. Nicholson, Judge of said Court:

Now come Roy Abbott, Hazel Kraus, Dollie Neilsen et vir Alex Neilsen, Edna Wright et vir Don Wright, all residents of the City of Salt Lake, Utah, and Mrs. Lula T. Lane of Wichita Falls, Texas, and hereby waive the issuance of citation, service and appearance of B. T. Lane and Mrs. A. C. Lane, deceased, and agree to the judgment of said court in the above entitled case.

TESTIMONY OF MRS. ELLA SIMONDS.

No. 1648

In re; Heirship of B. T. Lane In the County Court of
and Mrs. A. C. Lane, deceased. Wichita County, Texas.

Be it remembered that in the above cause the following evidence was introduced at the hearing, being the testimony of the witness Mrs. Ella Simonds:

Q: Your name is Mrs. Ella Simonds? A: Yes, sir.
Q: You live in Wichita Falls, Texas? A: Yes, sir.
Q: B. T. Lane was your father and Mrs. A. C. Lane was your mother? A: Yes, sir.
Q: When did your mother Mrs. A. C. Lane, die? A: She died April 23, 1925.
Q: When did your father, B. T. Lane, die? A: The 13th of August, 1926.
Q: Had either your father or mother ever been married before they married each other? A: No, sir.
Q: Were either of them ever married to any one else? A: No, sir.
Q: Did either of them leave a will? A: No, sir.
Q: Have the children made diligent search among the effects of them both and failed to find a will? A: Yes, sir.
Q: Did they leave an estate - property? A: Yes, sir.
Q: Did they leave a house and lot at 1009 - 15th St.? A: Yes, sir.
Q: Did they leave a house and lot at 1508 Elizabeth Street? A: Yes, sir.
Q: Did they have a savings account in the City National Bank of Wichita Falls, Texas? A: Yes, sir.
Q: About how much? A: About \$7,000.00.
Q: Did your father leave a checking account in the City National Bank? A: Yes, sir.
Q: About how much? A: About \$200.07.
Q: Did he leave a safety deposit box in the City National Bank? A: Yes, sir.
Q: Have you searched that box and failed to find a will? A: Yes, sir.
Q: You don't know the nature of the papers that are in that box do you?
A: No, sir.

Question by Judge Nicholson:

Q: Do you mean to say that you do not know whether there is a will in the papers or not?
A: We have looked through the papers and know there is no will in them.

Direct Testimony resumed:

Q: Did some of your brothers with an officer of the bank open the box to determine whether there was a will in there or not? A: Yes, sir.
Q: How many children were born of the marriage of B. T. Lane and Mrs. A. C. Lane?
A: Seven.
Q: Name them. A: J. T. Lane, J. W. Lane, Mollie Lane, Ella Lane, W. I. Lane, R. K. Lane, C. W. Lane.
Q: No other children were ever born to the marriage? A: No, sir.
Q: You are now married and your husband's name is Henry Simonds?
A: Henry Simonds, yes, sir.
Q: Mollie Lane, is she living? A: No, sir.
Q: In her life time to whom was she married? A: Edwin Abbott.
Q: Her name then at the time of her death was Mollie Abbott? A: Yes, sir.
Q: Is J. W. Lane alive? A: No, sir.
Q: When did he die? A: He died in October, 1918.
Q: How many children did he have?
A: I will name them all: Lloyd Lane, N. H. Lane, Orine Lane, Julia Lane, Beulah Lane, Flora Lane, Pauline Lane and J. T. Lane.
Q: Those are the eight children? A: Yes, sir.
Q: Now Orine, is she living? A: Yes, sir.
Q: Is she married? A: Yes, sir.
Q: What is her husband's name? A: Mrs. Lewis.
Q: Is Julia married? A: Yes, sir.
Q: What is her husband's name? A: Otis Alexander.
Q: Is J. T. Lane living? A: Yes, sir.
Q: Is Beulah Lane living? A: Yes, sir.
Q: Is Flora Lane living? A: Yes, sir.
Q: Has she ever married? A: No, sir.
Q: Is Pauline living? A: Yes, sir.
Q: Has she ever married? A: No, sir.
Q: Is Lloyd Lane living? A: No, sir. He was killed in the Army in France during the World War, a day or two before the Armistice was signed - 1918.
Q: Had he ever been married? A: No, sir.
Q: Did he leave a mother? A: Yes, sir.
Q: What is her name? A: Lula T. Lane.
Q: Is she living now in Wichita Falls? A: Yes, sir.
Q: Is N. H. Lane living? A: No, sir.
Q: When did he die? A: He died in November or December, 1927.
Q: Did he leave any children? A: Yes, sir.
Q: What are their names and ages? A: Robb Mary who is eleven and Lloyd Noel, who is about eight.
Q: They are then minors? A: Yes, sir.
Q: They live in Wichita Falls? A: Yes, sir.
Q: Is Mollie Abbott, your sister, living? A: No, sir.
Q: When did she die? A: She died May 13, 1926.
Q: How many children did she have? A: Five.
Q: Are they living? A: Yes, sir.

PETITION FOR ADJUDICATION OF HEIRSHIP

No. 1648

Heirship of B. T. Lane and Mrs. A. C. Lane, deceased.

THE STATE OF TEXAS: In the County Court of
COUNTY OF WICHITA: Wichita County, Texas.

To the Honorable E. W. Nicholson, Judge of said Court:

Now come J. T. Lane, Ella Simond, joined pro forma by her husband, Henry Simond; W. I. Lane, R. K. Lane, C. W. Lane, Orine Lewis, joined pro forma by her husband Ira Lewis; Julia Alexander, joined pro forma by her husband Otis Alexander; J. T. Lane Jr., Beulah Lane, Flora Lane, Pauline Lane, who appears herein by and through her next friend W. I. Lane; Rose Mary Lane and Lloyd Noel Lane, Jr., the two parties last named being minors and appearing herein by and through their next friend W. I. Lane, all of Wichita County, Texas, and invoking the jurisdiction of this Court in the matter of proving the heirship of B. T. Lane and wife Mrs. A. C. Lane, both deceased, would respectfully represent unto and show the Court as follows:

1. That Mrs. A. C. Lane, wife of B. T. Lane, died in Wichita Falls, Texas, April 23, 1925; that B. T. Lane died in Wichita Falls, Texas, August 16, 1928. That B. T. Lane and Mrs. A. C. Lane were married but one time and that to each other. That to said marriage the following children were born;

- a. J. T. Lane,
- b. Ella Simond, wife of Henry Simond,
- c. W. I. Lane,
- d. R. K. Lane,
- e. C. W. Lane,
- f. J. W. Lane who died during the month of October, 1918, and to whom were born

the following children and none other:

- (1) Orine Lewis, wife of Ira Lewis,
- (2) Julia Alexander, Wife of Otis Alexander,
- (3) J. T. Lane, Jr.,
- (4) Beulah Lane who has never married,
- (5) Flora Lane who has never married,
- (6) Pauline Lane who has never married,
- (7) Lloyd Lane who died in France as a soldier in the American Army during the

World War and who had never married, leaving surviving his mother, Mrs. Lula T. Lane.

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