

IN THE COURT OF COUNTY JUDGE, ORANGE COUNTY, FLORIDA.
AS A COURT OF PROBATE

In the Matter of the

E S T A T E

OF

W. H. ODIORNE,
Deceased.

PETITION FOR PROBATE

Filed September 7, 1897
Will Book, pages 188-190
File #845

TO: HON. J. L. BRYAN, COUNTY JUDGE OF ABOVE COURT:

The petition of Frederick Odiorne, a citizen and resident of the City of Cambridge, State of Massachusetts, and William H. Odiorne, a citizen and resident of Orange County, State of Florida, respectfully shows: That your petitioners are, and each of them is, over twenty one years of age, and that they are the executors nominated and appointed in the last will and testament of their father, William H. Odiorne, Sr., that said William H. Odiorne, Sr., died in Orange County, Florida, on the 13th day of March 1897, leaving him surviving your two petitioners who were the sons of said William H. Odiorne, Sr., and who now are and were at the time of the death of said William H. Odiorne, Sr., the only heirs at law and next of kin of said deceased, the wife of said William H. Odiorne, Sr., having died prior to the death of said William H. Odiorne, Sr.

Your petitioners further show that the instrument herewith presented by them for probate dated August 23rd, 1889 is signed by said William H. Odiorne, Sr., and your petitioners verily believe that the instrument so exhibited to your Honor is the last will and testament of said William H. Odiorne, Sr., deceased, and that said will relates to both real and personal estate, and that said William H. Odiorne, Sr., was over twenty-one years of age and died seized and possessed of both real and personal property, situate in said Orange County, State of Florida, as well as in the State of Massachusetts.

Your petitioners therefore pray that proof may be taken of said will and the execution thereof, and that thereupon the said will may be admitted to probate as the last will and testament of

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said William H. Odiorne, Sr., deceased, and as a will of both real and personal estate, and that letters testamentary thereon may be issued to your petitioners and as provided in said will, and that such other and further order may be granted and proceedings had as the Court shall deem proper to effect the same.

And your petitioners will ever pray & c.

Dated July 22nd, 1897.

FREDERIC ODIORNE
W. H. ODIORNE
Petitioners.

DWIGHT D. PORTEN
Attorney for Petitioners,
Orlando, Florida

STATE OF MASSACHUSETTS
COUNTY OF SUFFOLK ss

On this day before me, a Notary Public, in and for said County and State, duly commissioned and sworn, personally comes Frederick Odiorne, to me well known to be one of the petitioners who signed the foregoing petition and acknowledged that he signed the same, and that the said Frederick Odiorne being ^{by} me duly sworn doth depose and say, that the foregoing petition is true.

In Witness Whereof, I have hereunto set my hand and affixed my Notarial Seal at Boston, Massachusetts, this 26th day of July, 1897.

(NOTARIAL SEAL)

WM. McKISSOCK, Notary Public

STATE OF FLORIDA
COUNTY OF ORANGE

On this day before me personally comes William H. Odiorne to me well known to be one of the persons who signed the foregoing petition, and acknowledged that he executed the same, and he being by me duly sworn, doth depose and say; that the foregoing petition subscribed by him is true.

In Witness Whereof, I have hereunto set my hand and affixed my official seal at Orlando, Florida, this 29th day of July, 1897.

(NOTARIAL SEAL)

H. R. SMITH, Notary Public

LAST WILL AND TESTAMENT, Filed August 20, 1897 and recorded in Will Book/191-196.
pages

KNOW ALL MEN BY THESE PRESENTS, That I, William H. Odiorne, Sr., now residing near Orlando, in Orange County, State of Florida, (formerly residing in Cambridge, County of Middlesex, Commonwealth of Massachusetts), being of sound mind and memory, do make, publish and declare this, my last will and testament as follows, to-wit:

FIRST: I direct that all my just debts and the charges on my estate be paid as soon as may be after my decease.

SECOND: * * * *

THIRD: * * * *

} money bequests

FOURTH: I give, devise and bequeath to my son, Frederick Odiorne of Cambridge, Mass, my house and land situate in Cambridge Middlesex County, State of Massachusetts, said house and premises being numbered Two hundred and Eighty Seven (287) Harvard Street and this devise being intended to cover and convey all the lot and lands on which said house is situated and by which it is surrounded which I now own, with all the privileges and appurtenances to the same belonging, and also the following lands situate and being in the County of Orange, and State of Florida, viz:

The West Half of Southwest Quarter of Northeast Quarter of Southeast Quarter of Section Twelve, and the East half of the Southeast Quarter of the Northwest Quarter of Southeast Quarter of said Section Twelve, all in Township No. Twenty three South, of Range Twenty Nine East, according to the U. S. survey, containing ten acres, to have and to hold the same to said Frederick Odiorne and his heirs forever.

FIFTH: I give, devise and bequeath to the New England Trust Company (a corporation) of Boston, in the County of Suffolk and State of Massachusetts, the following pieces and parcels of land, situate and being in the County of Orange, and State of Florida, to-wit: The Southwest Quarter of the Northeast Quarter of Section Twelve; Also the Northeast Quarter of Northwest Quarter of Southeast Quarter of said Section Twelve; Also the North half of Northeast Quarter of Southeast Quarter of said Section Twelve; Also the East half of Southwest Quarter of Northeast Quarter of Southeast Quarter of said Section Twelve; Also the West half of the Southeast Quarter of Northeast

Quarter of Southeast Quarter of said Section Twleve, all in Township No. Twenty Three South, of Range Twenty Nine East, according to the U. S. survey and in all, comprising eighty acres, and upon a part of which are situate the Orange and lemon groves and dwelling house now occupied and used by myself, with all the improvements and appurtenances thereto belonging and appertaining, to have and to hold the same unto the the said The New England Trust Company, their successors and assigns, forever, but The Trust nevertheless for the uses, interests and purposes hereinafter named and as specified under Paragraph "Sixth" (#2) of this will.

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SIXTH: After my decease, I direct that an inventory and appraisal of all my estate both real and personal (except the real estate hereinbefore devised to my son Frederick Odiorne and to the New England Trust Company which devises of land I value at Ten Thousand Dollars to each) be made by appraisers appointed by the Probate Court and after deducting the bequests hereinbefore made to my grandsons and granddaughter, the remainder to be divided into two equal parts, Moiety of which I give, devise and bequeath to my son, Frederick Odiorne and to his heirs and assigns forever (2) and the other Moiety of which I give, devise, and bequeath to said The New England Trust Company, to have and to hold the same unto said The New England Trust Company, its successors and assigns, but in Trust - nevertheless for the uses, interests and purposes following to-wit: to receive from any executors the aforesaid moiety so devised and bequeathed to it in trust as aforesaid and to keep the same invested in some safe interest-bearing securities, and after deducting their usual compensation for the care of estates in trust to pay the balance of the income thereof and the tut income from the real estate hereinbefore devised to it in trust, to my son William H. Odiorne, Junior, of Orlando, Fla, semi-annually during his life, said income shall be free from the control or interference of the creditors of my said son, my intention being that the said income and the use thereof shall not be anticipated by assignment or otherwise. And in further Trust, upon the death of my said son, William H. Odiorne, Jr., to pay the sub income from all said trust estate, real and personal, to Susan H. Odiorne, the wife of my said son, William, semi-annually so long thereafter during her life as she remains unmarried; And in further Trust, upon the death of my said son William and the death or marriage of his wife, Susan H. Odiorne, to pay over, transfer and convey all of the said trust property,

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real and personal, then remaining to the ~~child or children of~~ my said son William H. Odiorne, Jr., in equal shares to each, if more than one, and therein if any child or children of my said son William shall have died prior to such distribution leaving him or her a lawful child or children him or her surviving, the legacy and devise to said deceased child or children shall not lapse but the share that would have gone to said deceased child or children if then living, shall be paid and conveyed to the child or children of said deceased child or children respectively by said trustee, and I so direct.

But in case upon the death of my said son, William and the death or marriage of his said wife, Susan H. Odiorne, their shall not be living any child or children of my said son William, nor any descendent of such child or children, then in further Trust to pay over and convey to my son, Frederick Odiorne or to his heirs at law in case he is not then living, any and all said trust funds and property remaining in its possession.

I hereby authorize and ~~direct~~ said trustee to pay all taxes and expenses of cultivating, ~~fertilizing~~ and caring for said real estate devised in trust and all necessary repairs and improvements thereon out of the income of said trust estate.

I further authorize and direct said Trustee to sell and convey in fee simple any or all of said lands so devised in trust and to execute deed therefor whenever my executors or the survivor of them shall request said trustee so to do, either at public or private sale, and invest the proceeds of said sale in safe interest bearing securities which shall be held by said trustee under the same trust and for the same uses and purposes as said land was held and as hereinbefore provided.

SEVENTH: I hereby nominate and appoint my said two sons, William H. Odiorne, Jr. and Frederick Odiorne, to be executors of this my last will and testament and hereby request and direct that their individual bond be taken by the Courts in whatever states this will shall be admitted to probate without requiring security for the performance of the duties required of them as executors.

EIGHTH: I hereby revoke all former wills by me made.

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In Witness Whereof, I have hereunto set my hand and affixed my seal at Orlando, Florida, this 23rd day of August, in the year of our Lord, One Thousand Eight Hundred and Eighty Nine.

W. H. ODIORNE (Seal)

The foregoing instrument consisting of six pages was on the day of the date thereof, viz: August 23, 1889 signed, sealed, published and declared by William H. Odiorne, Sr., the testator therein named and to us well known as and for his last will and testament in the presence of us and each of us, whereupon we then and there at his request and in his presence and the presence of each other, have subscribed our names as attesting witnesses thereto.



D. G. CARY ELWES	of	Conway Florida
N. L. MILLS	of	Orlando, Florida
W. C. SHERMAN	of	Orlando, Florida.

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PROOF OF WILL, made by D. G. Cary Elwes and W. C. Sherman,
Filed August 20, 1897.

ORDER ADMITTING TO PROBATE AND RECORD, Filed August 25, 1897. Order Book of Wills, page 197.

* * * * It is therefore ordered, adjudged and decreed, that the said Last Will and Testament, bearing date August 23rd, A.D., 1889, and attested by D. G. Cary Elwes, N. L. Mills and W. C. Sherman, as subscribing witnesses thereto be, and the same is hereby admitted to Probate according to law, as and for the true Last Will and Testament of said W. H. Odiorne, Sr. deceased, and that the same, with the proof thereof be duly recorded in the Book of Wills.

Given under my hand and seal, at Orlando, in said County, this 25th day of August, A. D. 1897.

J. L. Bryan, County Judge.

(SEAL OF COUNTY JUDGE)

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LETTERS TESTAMENTARY, filed August 25, 1897. Book of Letters Testamentary, page 110.

* * * * NOW, THEREFORE, KNOW YE That I, J. L. Bryan, County Judge in and for the County aforesaid, by virtue of the power and authority by law in me vested, do hereby declare the said Frederick Odiorne and W. H. Odiorne duly qualified by the laws of said State to act as Executors of said last Will and Testament, with full power by the provision of law and by virtue of these presents to administer all and singular the goods, chattels, rights and credits of said W. H. Odiorne, Sr. and to ask, demand, sue for, recover and receive the same; to pay the debts in which the said W. H. Odiorne, Sr. stood bound, so far as the assets shall extend and the law direct, and duly entitled to have and hold, for the purposes directed in and by the said last Will and Testament all the estate of said W. H. Odiorne, Sr. during the legal continuance of their administration, until the same shall expire by virtue of the provisions of said last Will and Testament, or until the power and authority hereby granted shall be duly revoked according to law.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the County Court of the County aforesaid, at Orlando, this 25th day of August, 1897.

(COUNTY JUDGE'S SEAL)

J. L. BRYAN,
County Judge.

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OATH OF W. H. ODIORNE, EXECUTOR, filed August 17th, 1897. Book of Wills, page 200.

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BOND OF FREDERIC ODIORNE and WILLIAM H. ODIORNE, as principals and HON. WILLIAM D. BLOXHAM, Governor of the State of Florida, as surety in the sum of \$2,000.00. Filed August 25, 1897. Book of Wills, page 201 and 204.

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ORDER APPOINTING FREDERIC ODIORNE, COMMISSIONER. Filed August 25, 1897. Book of Wills, page 198-199.

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WARRANT OF APPRAISMENT, Filed September 5, 1899.

REPORT OF APPRAISERS, Filed September 5, 1899.



STATE OF FLORIDA } ss
ORANGE COUNTY

We the undersigned appointed to appraise the estate of W. H. Odiorne, Sr. deceased, find that he had no personal property of value at the time of his death, and that his real estate consisted of the following, to-wit:

The $W\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$, of $SE\frac{1}{4}$ of Section 12, and the $E\frac{1}{2}$ of the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$ of the $SE\frac{1}{4}$ of said Section 12 all in Township 23 South, Range 29 East, containing ten acres. ALSO: the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 12 and the $NE\frac{1}{4}$ of the $NW\frac{1}{4}$ of $SE\frac{1}{4}$ of said Section 12, ALSO: the $N\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of said Section 12. ALSO: the East half of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of said Section 12. ALSO: the $W\frac{1}{2}$ of the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of said Section 12, all in Township 23 South, Range 29 East, in all comprising 80 acres more or less.

Said real estate is, according to our best Judgement

worth one thousand, five hundred dollars.

Respectfully submitted.

A. E. IVES
MAHLON GORE, Appraisers.

W. H. ODIORNE, Executor.

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