

IN THE COUNTY JUDGE'S COURT, ORANGE COUNTY, FLORIDA.

E S T A T E

OF

FREDERIC ODIORNE

LAST WILL AND TESTAMENT

Filed July 12, 1905
Register of Wills 4,
page 41
File #1198

Be it remembered that I, Frederic Odiorne of Cambridge, in the County of Middlesex, and Commonwealth of Massachusetts, being of sound mind and memory, do make, publish and declare this to be my last will and testament, in the manner and form following, that is to say:

First Item - I direct that my just debts and funeral charges be paid as soon as may be after my decease.

Second Item - * * * * (bequests personal property)

Third Item - * * * * (bequests personal property)

Fourth Item - All the rest, residue and remainder of my estate, both real and personal and wherever situate, I give, devise and bequeath to William F. Stark of said Cambridge and Fiske Warren of Boston in said Commonwealth, to have and to hold the same to them and their heirs and assigns, and the successors of them and their heirs and assigns, but in special confidence nevertheless to and for the uses, and purposes, and upon the trusts hereinafter set forth, with power to said trustees and their successors to hold manage and invest and exchange and reinvest the same, and with power to sell and dispose of any portion thereof, and to convert real estate into personal estate, and personal estate into real estate, and to make, execute and deliver any deeds or other conveyance requisite and proper, without the intervention of any court and at their discretion, and any purchaser need not see to the application of the purchase money, and after deducting taxes, insurance, repairs and other expenses and charges of the trust to pay over from time to time, and at least once in six months the net rents and income of said estate to my wife, Emma C. Odiorne for and during her natural life, and from and after her decease in further trust to convey and pay over to my child or children

then living, his or their share of the principal and income of said trust property, to have and to hold the same to him or them, and his or their heirs and assigns forever, free from all trust, share and share alike, and in event of any such child or children dying leaving issue, then the share or shares which such child or children would have taken shall descend to the issue of such deceased child by right of representation free from all trust and in default of any such child, children or issue then living, to pay over the net income of said estate remaining in the hands of said trustees to my brother William H. Odiorne during his natural life, and at and upon his decease to pay over the principal and income thereof to the children of my said brother and to the issue of any child or children by right of representation to have and to hold to them and their heirs and assigns forever, or if my said wife shall leave no child or the issue of any deceased child, nor my brother, or any child of his, or issue of such child - living at her decease, then to such persons as would be entitled to my personal estate under the Statutes of this Commonwealth. Said trustees and their successors are hereby authorized and empowered at any time in their discretion (anything herein contained to the contrary notwithstanding) to transfer and convey to my said wife any portion of said trust estate, which in their opinion may be actually indispensable to her comfort and support, to be held by her absolutely, and as to such portion so transferred the trust shall thereupon cease.

And in the event of the death, declination or resignation of either or both of the within named trustees at any time before the termination of the within trust I most respectfully request the Honorable Judge of Probate in and for the said County of Middlesex, for the time being, to appoint a successor of said trustee or trustees, and the same authority and power hereinbefore given to the first named trustees shall be vested in their successors upon their accepting the trusts herein imposed.

Fifth Item - I nominate my son John L. Odiorne, and William F. Stark, both aforesaid to be executors of this will and I request that they as executors, and the aforesaid William F. Stark and Fiske Warren, as Trustees may all be exempt from giving surety or sureties on any bond or bonds that may be required of them or either of them, in carrying out the provisions of this will.

In testimony whereof, I hereunto set my hand and seal, and in the presence of three witnesses, declare this to be my last will and testament, this eleventh day of May, A. D., 1897.

FREDERIC ODIORNE (Seal)

File #1198

On this eleventh day of May, A. D., 1897 Frederic Odiorne of Cambridge, Massachusetts signed the foregoing instrument in our presence, declaring it to be his last will and testament, and as witnesses thereof, we three, do now at his request, in his presence and in the presence of each other, hereto subscribe our names. The word "continue" on the second page of this instrument having been erased before said instrument was signed by said testator.

CHARLES WILLIAM WARD
ELIAB PARKER
EDWARD H. McGUIRE

Brookline Mass.
Roxbury Mass.
Boston Mass.

- 0 -

ORDER OF ADMISSION OF WILL, Filed July 12, 1905.

* * * *

IT IS THEREFORE DECREED that said instrument be approved and allowed as the Last Will and Testament of said deceased, and Letters Testamentary be issued to said petitioners, they first giving bond without sureties, for the due performance of said trust.

CHAS. J. McINTIRE, Judge
of Probate Court.

- 0 -

BOND of Fiske Warren of Boston, Suffolk County, Massachusetts, in the sum of Forty Thousand Eight Hundred Dollars, Filed July 12, 1905.

- 0 -

PETITION of Walter P. Odiorne, to be appointed Trustee,
Filed July 12, 1905.

- 0 -

File #1198

- 4 -

ORDER APPOINTING Walter P. Odiorne, TRUSTEE, Filed July 12, 1905.

- 0 -

BOND of Walter P. Odiorne of Boston, Suffolk County, Massachusetts, in the sum of Forty thousand eight hundred Dollars, Filed July 12, 1905.

- 0 -

CERTIFICATE OF W. E. Rogers, Register, Filed July 12, 1905.

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX

SS

Probate Court

I, William E. Rogers, Register of the Probate Court for said County of Middlesex, having by law the custody of the seal and all the records, books, documents, and papers of or appertaining to said Court hereby certify the papers hereto annexed to be true copies of papers appertaining to said Court, and on file or of record in the office of said Court, to-wit:

The Will, Decree of Probate allowing said will, Bond of Fiske Warren, Trustee and Petition, Decree and Bond of Walter B. Odiorne, Trustees under the Will of Frederic Odiorne, late of Cambridge, in said County of Middlesex, deceased, testate.

And I further certify that the appointments of the above named trustees remain in full force.

In Witness Whereof, I have hereunto set my hand and seal of said Court this seventh day of July in the year of our Lord, one thousand nine hundred and five.

(OFFICIAL SEAL)

W. E. ROGERS, Register.

CERTIFICATE of Charles J. McIntire, First Judge of the Probate Court within and for the County of Middlesex, as to the magistracy of William E. Rogers, who signed the above Certificate.
Dated July 7, 1905.

File #1198

CERTIFICATE of W. E. Rogers, Register of Probate Court for the County of Middlesex, as to the magistracy of Charles J. McIntire, who signed the above Certificate. Dated July 7, 1905.

- 0 -

ORDER ADMITTING TO PROBATE and RECORD, Filed July 12, 1905, and recorded in Register of Will Book 4, page 41.

ORANGE COUNTY

By the County Judge of Said County:

This day came on for consideration the matter of probate of the last will and testament of Frederic Odiorne, deceased, late of Middlesex County, State of Massachusetts;

And it appearing to the satisfaction of the Court that said last will and testament has been duly admitted to probate and record in the Probate Court in and for the County of Middlesex, State of Mass., the same being a Court with probate jurisdiction, and a duly authenticated copy and transcript of said last will and testament, and the probate thereof, having been filed in this Court for probate and record;

IT IS THEREUPON ORDERED, ADJUDGED AND DECREED, That said last will and testament, bearing date May 11, A. D. 1897, and admitted to probate and record in said Probate Court of Middlesex, Mass., on the 16th day of November, A. D., 1897, be and the same is hereby admitted by duly authenticated copy from said Court to probate and record in this Court as and for the last will and testament of the aforesaid Frederic Odiorne, deceased.

Ordered at Chambers, this 12th day of July, A. D., 1905.

(COUNTY JUDGE'S SEAL)

WM. MARTIN (Seal)
County Judge.

---oOo---

IN CIRCUIT COURT, 7th JUDICIAL CIRCUIT OF THE STATE OF FLORIDA,
For Orange County, IN CHANCERY

IN THE MATTER OF A PETITION
FOR THE APPOINTMENT OF A
NEW TRUSTEE OF THE WILL OF
WILLIAM H. ODIORNE, DECEASED.

ORDER APPOINTING NEW
TRUSTEE

Dated June 17, 1901
Filed June 19, 1901
Minute Book "L", page 567
Case #2799

***** IT IS THEREFORE considered, ordered and adjudged that the said William Martin be and he is hereby appointed Trustee of the said Will of the said William H. Odiorne, senior, and that the real estate, the subject of the said trust be, and the same is hereby vested in the said William Martin, as such trustee subject to and in accordance with the trusts of the said will, and thereby declared of and concerning the same, in the same manner as if he had been appointed by the said will trustee thereof, in lieu of the said New England Trust Company.

Done and ordered at Chambers at Titusville, Florida,
this 17th day of June, A.D. 1901.

Minor S. Jones,
Judge.

IN CIRCUIT COURT 7th JUDICIAL CIRCUIT OF FLORIDA

IN THE MATTER OF THE
 PETITION OF WILLIAM MARTIN,
 as trustee of the last Will
 and Testament of William H.
 Odiorne, deceased

PETITION

Dated February 13, 1913
 Filed February 17, 1913
 Minute Book N, page 529

To the Honorable James W. Perkins, Judge of said Court:

Your petitioner, William Martin as trustee, respectfully shows unto your Honor that on the 17th day of June, A.D. 1901, he was by an order of this Honorable Court, duly appointed trustee of the last will and testament of William H. Odiorne, Sr., deceased in place and stead of the New England Trust Company to carry out the trust in said Will in regard to certain real estate bequeathed by said will in trust as follows:

To William H. Odiorne, Jr., during his life time, after his death to his wife, Susan H. Odiorne during her life time if she remains a widow and after her death to the children of said Susan H. Odiorne and William H. Odiorne, Jr.,

Your petitioner represents that the said William H. Odiorne, Jr., has departed this life, leaving as his only heir, one daughter, Isabella H. Odiorne and his widow, Susan H. Odiorne.

Your petitioner further shows that he has sold through J.E. Crawford, a real estate agent, at the request of the said Susan H. Odiorne, widow and Isabella H. Odiorne, who is now of age and unmarried, who are the sole devisees under said will, a portion of said land held in trust by your petitioner described as follows:

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12, Township 23 South
 Range 29 East,

for the sum of \$6000.00 which in your petitioner's opinion is a good price for said land.

Your petitioner further shows unto your honor that the said Susan H. Odiorne and Isabella H. Odiorne are the only persons

TF

Minute N-529--2

interest in said trust funds and they have requested and desire that your petitioner pay over to them the sum of money in his hands arising from the sale of land, less fees and commissions and other expenses in connection with said sale.

Your petitioner further shown unto your Honor that he as trustee and attorney has drawn all the necessary deeds and papers and attended and looked after the abstracts and done all other things necessary in making the said sale.

Your petitioner therefore prays for an order from this Honorable Court allowing him to pay over to the said Susan H. Odiorne and Isabella H. Odiorne, the said sums of money in his hands as trustee arising from the said sale, after paying the same J.E. Crawford, his commission as agent, for the said sale of said land, to-wit: \$600.00 and the expenses of this petition and such reasonable sum as your Honor will allow your petitioner for his services in the matter.

And your petitioner will ever pray, etc.,

Wm. Martin, Trustee

IN THE CIRCUIT COURT 7th JUDICIAL CIRCUIT OF FLORIDA, ORANGE COUNTY.

In the matter of the petition of William Martin, Trustee of the Last Will and Testament of William H. Odiorne, Sr., deceased.

This day this cause coming on to be heard on the petition of William Martin, as trustee and it appearing to the Court that said petition is reasonable and just, and that it is right that said money should be turned over to the said Susan H. Odiorne and Isabella H. Odiorne, as devisees under the Will of William H. Odiorne, Sr., deceased, it is therefore ORDERED and ADJUDGED That the said William Martin, as Trustee, do pay to the said J. E. Crawford, his commissions of \$600.00; that he pay the costs of this proceedings, and that he pay unto himself for his services, the sum of \$60.00, which is in the opinion of the Court a reasonable and just sum for his services, and the remainder of said funds in his hand to pay over to the said Susan H. Odiorne and Isabella H. Odiorne.

Minute N-529--3

Done and Ordered at Chambers at Deland, this the 13th day of Feb. 1913.

Jas. W. Perkins,
Judge etc.

Filed in office and recorded this the 17th day of Feb. A.D. 1913,
B. M. Robinson, Clerk.

WILLIAM MARTIN, as Trustee of the
Last Will and Testament of W.H.
Odiorne, Sr., deceased, late of
Orange County, Florida,

to

J. A. CAPLINGER, Orange County,
Florida.

TRUSTEE'S DEED

Dated October 31, 1916
Filed February 16, 1917
\$2250.00
D/B 189, page 274

WITNESSETH: WHEREAS, W.H. Odiorne, Sr., departed this life testate, seized and possessed of the premises hereinafter described and by his last Will and Testament devised the said real estate and other property to the New England Trust Company, for W. H. Odiorne, Jr., and

WHEREAS, the said New England Trust Company declined said trust, and on petition to the Circuit Court for Orange County, Florida, William Martin, party of the first part was duly appointed Trustee under said Will, and

WHEREAS, W.H. Odiorne, Jr., heretofore departed this life leaving him surviving one daughter, Isabel H. Odiorne and no other child, or children or child or children of deceased child or children, and

WHEREAS, the said Isabel H. Odiorne is of full age and the said Susan H. Odiorne and Isabel H. Odiorne have executed and delivered to the party of the second part, a quit claim deed to the premises hereinafter described.

Remise, release and quit claim: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ (less W $\frac{1}{2}$ of SW $\frac{1}{4}$)
and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, Township 23 South
Range 29 East.

Signed and sealed by William Martin as Trustee under the last Will and Testament of W. H. Odiorne, Senior. Two witnesses.

Acknowledged on October 31, 1916 by William Martin as Trustee under the last Will and Testament of W. H. Odiorne, Senior, deceased, before B.M. Robinson, Clerk Circuit Court, by: M.A. Howard, D.C. (Official Seal)

J. A. CAPLINGER and
ELNORA CAPLINGER,
his wife,

to

R. C. ANDERSON,
Bumcombe County, North
Carolina.

WARRANTY DEED

Dated February 1, 1917
Filed February 12, 1917
\$10.00 and other valuable
considerations
D/B 188, page 53

Grant, bargain and sell all that certain parcel of land
lying and being in Orange County, Florida, described as follows:

NE $\frac{1}{4}$ of SE $\frac{1}{4}$ (less W $\frac{1}{2}$ of SW $\frac{1}{4}$) and
NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 12, Township
23 South Range 29 East,

Except taxes for the year 1917, which are to be paid by
the party of the second part.

Signed and sealed by J. A. Caplinger and Elnora
Caplinger. Two witnesses.

Acknowledged on February 12, 1917 by J. A. Caplinger and
Elnora Caplinger, his wife, separate examination of wife,
before Edward G. Hauselt, Notary Public, State of Florida.
(Notarial Seal) Commission expires March 12, 1917.