

Court further finds that the plaintiffs are in possession of the real estate described in the petition and that the Plaintiffs and their predecessors and intermediate grantors in title have been in the open, notorious, exclusive, adverse, continuous and peaceable possession of said premises under color of title and claim of absolute ownership in fee simple for more than twenty years last past, and have paid all of the real estate taxes and special taxes and assessments levied against said real estate during all of said time, and that the allegations of plaintiff's petition are true and that the plaintiffs are entitled to a decree accordingly.

2- That Cyrus H. McCormick, John Duff, and Frederick L. Ames as Trustees, appear to have some right and interest in and to said real estate by virtue of a certain Trust Deed under date of April 16, 1867, recorded in Book A, page 1, of the Mortgage Records of Buffalo County, Nebraska. That the Union Trust Company of New York, a corporation, appears to have some right or interest in and to said real estate by virtue of a trust deed under date of December 18th, 1873, recorded in Book A, page 76 of the Mortgage Records of Buffalo County Nebraska; whereas in truth and in fact, and the court finds, that the obligations secured by said trust deeds have long since been satisfied, that the same is more than ten years past due and is barred by the Statute of Limitations and should be released of record.

3- That under date of February 28th, 1884, the Union Pacific Railway Company, the then owner in fee simple title to said lots 1, 2, and 3, Block 26, Union Pacific Railway Company's Third Addition to the Village of Shelton, Nebraska, made executed, and delivered it's certain Deed of Conveyance, being Deed No. 2619, conveying said real estate to one J.M. Harmon. That thereafter and on the 26th day of March, 1885, said Deed was delivered to the said J.M. Harmon. That through error and inadvertence of said J.M. Harmon said Deed has become lost and destroyed and was never filed for record in the office of the Register of Deeds of Buffalo County, Nebraska; and the Court finds that the said Union Pacific Railway Company and the Union Pacific Railroad Company, the successor in trust to the Union Pacific Railway Company, have no right, title, or interest in and to said premises as shown by the exhibits and disclaimers offered in evidence.

4- That the other defendants named herein and each and all of them claim some right or interest in and to said real estate by virtue of the means specifically alleged in plaintiffs' petition and by virtue of other means, the nature of which is unknown to the plaintiffs. That each and all of the said defendants and their respective claims are long since barred by the Statute of Limitations and should be cancelled of record. IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, That the title and possession of the plaintiffs in the following described real estate, to-wit:

Lots 1, 2, and 3, Block 26, Union Pacific Railway Company's Third Addition to Shelton, Nebraska, be, and the same hereby is quieted and confirmed in said plaintiffs as joint tenants with the right of survivorship, and the said defendants and their assignees and successors and each and all of them, and each and all of the persons claiming under them are hereby enjoined from claiming any interest in and to said premises adverse to the interest of the plaintiffs or from interrupting the quiet and peaceable use and enjoyment of said premises by the said plaintiffs. And it is further ordered and decreed that the lien of the Union Trust Company, Trustee, it's successors and assignees, by virtue of a certain Trust Deed recorded in Book A, page 1, of the Mortgage Records of Buffalo County, Nebraska, and the lien of John Duff, Trustee, Frederick L. Ames, Trustee, Cyrus H. McCormick, Trustee, and their successors and assigns by virtue of a certain Trust Deed recorded in Book A, page 448 of the Mortgage Records of Buffalo County Nebraska, be, and the same hereby are cancelled of record and held for naught; and the Deed of the Union Pacific Railway Company, under date of February 28, 1884, conveying said real estate to one J.M. Harmon, be, and the same hereby is established as a good and sufficient conveyance of said real estate. That the pretended claims and interests of the defendants named herein and each and all of them by virtue of the defects alleged and by virtue of other means not specified, are hereby decreed to be subject to and inferior to the title of these plaintiffs and said title is hereby confirmed and quieted in fee simple in said defendants, as joint tenants absolutely.

Bruno O. Hostettler,  
District Judge

STATE OF NEBRASKA

ss.  
County of Buffalo. I, Guy N. Henninger, Clerk of the District Court within and for said County and State, do hereby certify that I have compared the foregoing copy of the Decree Quietening Title in the case of Theodore Mattea et al vs. Union Trust Company of New York, et al. filed in said Court with the original filed in my office and that the same is a correct transcript thereof, and of the whole of said original. IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of said Court, at the City of Kearney, in said County and State, this 13th day of Sept. A.D. 1929.

(SEAL)

Guy N. Henninger,  
Clerk of the District Court.  
By Beatrice Worlock, Deputy.

Filed for record September 16th 1929 at 3:45 P.M.  
Lydia A. Finke REGISTER OF DEEDS.

UNITED STATES :  
TO : PATENT.  
DELOREN HAMBLETON:

Certificate No. 3003 THE UNITED STATES OF AMERICA,  
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS Deloren Hambleton, of Buffalo County, Nebraska has deposited in the GENERAL LAND OFFICE of the United States a CERTIFICATE OF THE REGISTER OF THE LAND OFFICE at Grand Island, Nebraska whereby it appears that FULL PAYMENT has been made by the said Deloren Hambleton according to the provisions of the Act of Congress of the 24th day of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the

south east quarter of the north east quarter of section five in township twelve north of range eighteen west of the Sixth Principal Meridian in Nebraska containing forty acres

according to the OFFICIAL PLAT of the Survey of the said lands, returned to the GENERAL LAND OFFICE by the SURVEYOR GENERAL, which said Tract has been purchased by the said Deloren Hambleton

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said Deloren Hambleton

and to his heirs, the said Tract above described; TO HAVE AND TO HOLD the same together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging unto the said Deloren Hambleton and to his heirs and assigns forever. IN TESTIMONY WHEREOF, I, Benjamin Harrison, PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the seal of the GENERAL LAND OFFICE to be hereunto affixed. GIVEN under my hand, at the CITY OF WASHINGTON, the twenty ninth day of October, in the year of our Lord one thousand eight hundred and eighty nine, and of the Independence of the United States the one hundred and fourteenth

BY THE PRESIDENT: Benjamin Harrison  
By Ellen Macfarland, Asst. Secretary.  
J.W. Townsend, Recorder of the General  
Land Office.

(General Land Office)

(Seal)

Recorded, Vol 7, Page 348

Filed for record September 18th 1929 at 3:45 P.M.  
Lydia A. Finke REGISTER OF DEEDS.

JOB P. WARD, DECEASED.:

TO

: WILL AND FINAL DECREE.

JAMES A. WARD ET AL. :

LAST WILL AND TESTAMENT OF JOB P. WARD.

IN THE NAME OF GOD, AMEN, I, Job P. Ward, of Pleasanton, Nebraska, being of sound mind, memory and understanding, considering the certainty of death and the uncertainty of the time thereof, and being desirous to settle my worldly affairs, and thereby be the better prepared to leave this world when it shall please the Almighty to call me hence, do therefore make and publish this my last Will and Testament, hereby revoking and annulling all Wills by me heretofore made, in manner and form following, that is to say:

FIRST, and principally, I commit my soul into the hands of Almighty God, and my body to the earth, to be decently buried at the discretion of my Executors hereinafter named; and my Will is, that all my just debts and funeral expenses shall be paid by my Executors hereinafter named as soon after my decease as shall be convenient:

SECOND:- I give devise and bequeath to my foster son Arthur Binder the sum of Three-hundred Dollars.

THIRD:- I give devise and bequeath to my beloved wife the use of all the rest and residue of my property, both real estate, personal and mixed during the remainder of her life time and at her death the same to be divided equally among my children, Loretta Kelly, Ida Ward, James A. Ward, Mary R. Mitchell, Harry R. Ward, Calen P. Ward, and Phillip Ward, share and share alike, as tenants in common.

FOURTH:- I hereby direct that my Executors, hereinafter named shall have the power to sell enough of my real estate to pay any debts I may have at my death not covered by the sale of personal property and they may sell same either at private sale or public sale and shall have full power to execute deed for same.

THIRD:- All the rest and residue of my estate, both real, personal and mixed, I give, devise and bequeath to my \_\_\_\_\_ and \_\_\_\_\_ to them and their heirs and assigns forever, share and share alike, as tenants in common.

AND LASTLY, I do hereby nominate, constitute and appoint my son James A. Ward and my daughter Ida Ward and Calen P. Ward executors of this my last Will and Testament, and I desire that my Executors hereinbefore named shall not be required to give bond for the faithful performance of the duties of that office.

IN TESTIMONY WHEREOF, I have set my hand and seal to this, my last Will and Testament, at Pleasanton, Nebraska, this fifteenth day of November, in the year of our Lord, one thousand nine hundred and twenty-two.

Job P. Ward (Seal)

SIGNED, SEALED, PUBLISHED and DECLARED by the said Job P. Ward in our presence, as and for his last Will and Testament, and at his request and in our presence, and in the presence of each other, we have hereunto subscribed our names as attesting witnesses thereto.

W.R. Scribner,

Residence, Pleasanton, Nebraska.

C.F. Brown

Residence, Pleasanton, Nebraska.

#### CERTIFICATE OF PROBATE OF WILL.

State of Nebraska

ss.

In County Court.

County of Buffalo

In the matter of the estate of Job P. Ward, deceased.

I hereby certify that on the 17th day of August 1928, the foregoing instrument to writing of which this certificate is attached was duly probated and allowed as the Last Will and Testament of Job P. Ward, deceased and the same was duly filed and entered upon the probate records of said county.

Witness my hand and official seal, this 17th day of August, 1928.

SEAL

J.M. Easterling, County Judge.

#### IN THE COUNTY COURT OF BUFFALO COUNTY, NEBRASKA.

In the Matter of the Estate:

:

#### FINAL DECREE.

of Job P. Ward, Deceased. :

Now on this 10th day of September, 1929, this cause came on for hearing before the court upon the petition of the executors for final settlement and for distribution. The court finds that due and legal notice has been given in the manner and form provided by law. That no objections have been filed thereto.

The court finds that Job P. Ward departed this life on the 28th day of May, 1928, a resident of Buffalo County, Nebraska, leaving a last will and testament which has been admitted to probate in this court. That James A. Ward, Ida Ward and Calen P. Ward were appointed as executors of said will and have faithfully performed their duties.

The court finds that due and legal notice has been given to all the creditors of said estate in the manner and form provided by law, and that all claims allowed herein have been paid. That all claims not presented are forever barred. The court finds that said estate is not liable for inheritance taxes under the laws of the State of Nebraska, or for estate taxes under the acts of Congress. The court finds that the special bequest in favor of Arthur Binder has been paid and receipt filed.

The court finds that Job P. Ward died seized of the personal property as set forth in the inventory, and of the following described lands, to-wit:

The Northwest quarter of Section Thirteen (13), in Township Twelve (12) North, Range Seventeen (17), West of the Sixth Principal Meridian, in Buffalo County, Nebraska, AND