

Kansas Wills and Probate Records, 1803-1987 [Ancestry.com]

Name: **J. C. Casto**
Probate Date: 22 Nov 1909
Probate Place: Franklin, Kansas, USA
Inferred Death Year: About 1909
Inferred Death Place: Kansas, USA
Item Description: Record of Wills, Vol D-F, 1906-1921

Danita's Notes: This is for Jasper C. (1859-1919) & Hattie B. Carruthers Casto (1861-1939). He was the son of Elmore & Phoebe (Cunningham) Casto.

Last Will and Testament of J. C. Casto Deceased

exhibit 20

The J. C. Casto and Hattie B. Casto, Husband and wife of Wellsville in the County of Franklin State of Kansas being of sound and disposing minds and memory do this day of November 1909, make, publish and declare the following to be our last will and Testament hereby revoking any and all wills by us heretofore made.

First
We desire our Executor or Executrix hereinafter named to pay all our just debts and liabilities and my funeral expenses as soon as can conveniently be done after my decease.

Second
Being desirous that in the event of the death of either of us that the other should enjoy full control of all the property that we both own. We give devise and bequeath to the survivor of the two parties mentioned on the first line of this instrument all my estate real and personal wheresoever situated of which I may die possessed or in anywise entitled to and if any estate remain at the death of the survivor it shall be divided among our bodily heirs as the survivor may direct and if the survivor does not make such provisions then the remainder of our estate shall be divided among our bodily heirs in equal parts, share and share alike.

Third
I hereby nominate, constitute and appoint my survivor the Executor or Executrix of this my last will and Testament and direct the Court probating this will to appoint my survivor the Executor or Executrix without requiring any bond or filing of inventory. I hereby authorize my said Executor or Executrix to sell and dispose of all my real and personal estate from time to time as he or she in his or her judgment may deem proper and to give sufficient deeds of conveyance therefor.

In witness whereof we have hereunto subscribed our names this 22 day of November, A. D. 1909

J. C. Casto
Hattie B. Casto

Proof of Will of Deceased

STATE OF KANSAS, } ss. IN THE PROBATE COURT OF SAID COUNTY
Franklin County }

In the Matter of the Proving of the Last Will and Testament of

J. C. Casto Deceased.

AND NOW, on this 30th day of Jan A. D. 1919 comes J. B. Cramer who being first duly sworn, upon his oath saith: My name is J. B. Cramer; my residence is Belleville; my age is 25 years; I was acquainted with J. C. Casto a resident of Franklin County, Kansas, about 25 years in his lifetime; I was present at Belleville on the 27th day of Nov. A. D. 1917 and saw the said J. C. Casto sign the foregoing instrument of writing, purporting to be the Last Will and Testament of the said J. C. Casto and heard him publish and declare the same to be his Last Will and Testament, and at his request and in his presence, and in the presence of J. C. Johnson and J. C. Johnson I signed said instrument as a subscribing witness thereto. And the said J. C. Johnson at the request of said J. C. Casto and in his presence and in my presence signed said instrument as a subscribing witness thereto. At the time of signing said instrument, said J. C. Casto was about 59 years of age; he was of sound mind and memory and was not under any restraint or undue influence whatever. Said J. C. Casto is now dead; he departed this life on the 13th day of Jan A. D. 1917. Subscribed and sworn to before me this 30th day of Jan A. D. 1919 M. F. Shock Probate Judge.

ALSO, Comes J. B. Cramer of lawful age, who being first duly sworn, upon his oath saith: My name is J. B. Cramer; my residence is Belleville; my age is 25 years; I was acquainted with J. C. Casto a resident of Franklin County, Kansas, about 25 years in his lifetime; I was present at Belleville on the 27th day of Nov. A. D. 1917 and saw the said J. C. Casto sign the foregoing instrument of writing, purporting to be the Last Will and Testament of the said J. C. Casto and heard him publish and declare the same to be his Last Will and Testament, and at his request and in his presence, and in the presence of J. C. Johnson I signed said instrument as a subscribing witness thereto. And the said J. C. Johnson at the request of said J. C. Casto and in his presence and in my presence signed the same as a subscribing witness thereto. At the time of signing said instrument, said J. C. Casto was about 59 years of age; he was of sound mind and memory, and was not under any restraint or undue influence whatever. Said J. C. Casto is now dead; he departed this life on the 13th day of Jan A. D. 1917. Subscribed and sworn to before me this 30th day of Jan A. D. 1919 M. F. Shock Probate Judge.

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Filed for record this 30th day of Jan A. D. 1919, at 10 o'clock M. M. F. Shock Probate Judge.

The foregoing instrument was signed by the testators, J. C. Casto and Hattie B. Casto (Husband & wife) in our presence this 27th day of November A. D. 1909 and they at the same time declared that it was their last will and testament and thereupon we at their request and in their presence and in the presence of each other subscribed our names as witnesses on the day and year last above written

J. B. Cramer
J. C. Summons