

Description: Will and probate of John Osborn (d. 1881)
Warren Co., OH Will Book 21R, Pages 588 - 593

Repository: Family History Library, Salt Lake City, UT
Format: Microfilm
Film #: 0384231

These images were cropped from images 1357 - 1359 of Warren Co., OH Will Books
20M - 21R posted online at the FamilySearch website at
<https://familysearch.org/pal:/MM9.3.1/TH-1971-31183-12719-70?cc=1992421&wc=M934-V8B:646767551>
and posted at the Osborne Origins website
at: <http://www.osborne-origins.org/oh/warren/oh-warren-will-21r-588.pdf>

Jan. 10
Page 339

Estate of
John Osborn, deceased;

On this 26th day December, A. D. 1881 came Albert M. Osborn and produces and offers for probate and record a paper writing purporting to be the last Will and Testament of John Osborn, deceased, and files his Statement duly verified that Emeline Osborn is the widow, and that John Osborn, Albert M. Osborn, Lewis Osborn, Idaa Nimble, John Nimble, Charles Nimble, Jerome Nimble, Lula Reever, and Minnie Cook are all the next of kin of said decedent who reside in the State of Ohio. Whereupon it is ordered by the Court that said application for the probate of said paper writing as the last Will and Testament of John Osborn, Sr. deceased, stand for hearing on the 16th day of January, A. D. 1882, at 10 o'clock A. M. and that said Albert M. Osborn, notify Emeline Osborn, widow, Charles E. Osborn, John E. Osborn, Albert M. Osborn and Minnie Cook, they being all the next of kin of said decedent who reside in the County of Warren and State of Ohio, of the filing of said application and the time of hearing thereof by notice in writing served on them or at their usual place of residence at least five days before said time of hearing. And it is further ordered by the Court that the said Albert M. Osborn, notify Lewis Osborn, Idaa Nimble, John Nimble, Charles Nimble and Jerome Nimble, they being all the next of kin of said decedent who are non residents of the County of Warren, of the filing of said application and the time of hearing thereof by notice published in the "Western Star", a newspaper published and of general circulation in the County of Warren, for three consecutive weeks prior to the 16th day of January, A. D. 1882, he is further ordered to mail to the last known post office address of said non residents a copy of the "Western Star" containing the aforesaid notice, and this cause is continued until the 16th day of Dec. A. D. 1882.

Joseph W. McCall, J.

Jan. 10
Page 377

Estate of
John Osborn, deceased.

On this 16th day of January, A. D. 1882, came Albert M. Osborn and made proof to the satisfaction of the Court that due notice had been given to Emeline Osborn, Charles E. Osborn, John Osborn, Albert M. Osborn, Lewis Osborn, Idaa Nimble, John Nimble, Charles Nimble, Jerome Nimble, Lula Reever and Minnie Cook, they being all the next of kin of said John Osborn deceased, resident in the State of Ohio of the production of said instrument of writing purporting to be the last Will and Testament of said John Osborn deceased, and the application to admit the same to Probate and record, and of the time set for the hearing of said application, in conformity to the former order of this Court and the Statute in such case made and provided. Whereupon said application came on to be heard and thereupon personally appeared in open Court D. Willis Humphreys and Francis Jaffey the subscribing witnesses to said instrument of writing purporting to be the last Will and Testament of John Osborn deceased, who being duly qualified according to law, were duly examined in open Court, and their testimony was reduced to writing and was by them respectively signed, sworn to and placed on file, and it appearing to the Court, from the testimony of said subscribing witnesses, that said John Osborn, deceased, was at the time of his death

a resident of the County of Warren and State of Ohio; that said instrument of Writing was duly Executed, attested and acknowledged as provided by the Statute that said Testator, at the time of the execution and attestation of said instrument of Writing was of full age and of sound and disposing mind and memory and in the execution of the same he acted freely and voluntarily and not under any restraint. Whereupon the Court finds that said instrument of Writing is the valid last Will and Testament of said John Osborn deceased, that the same was duly and legally attested, Executed and acknowledged and thereupon it is Ordered that the same be placed on file and that the same be and lawfully is admitted to probate and record. Citation to widow issued.

Application is in the words and figures following:
 Application to Admit Will to Probate
 In the Probate Court, Warren County, Ohio,

John Osborn Sr. Deceased,
 Application to Probate Will,
 To the Honorable the Judge of said Court,
 And now comes Albert W. Osborn and produces for admission to Probate in said Court, the last Will and Testament of John Osborn Sr. late a resident of the Township of Turtlecreek in said County, Ohio, who died on the 21st day of December, A. D. 1881
 And says that said Testator died leaving Emeline Osborn his widow and the following persons, all his next of kin resident in the State of Ohio, and elsewhere

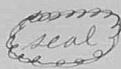
Name	Degree of Kinship.	P. O. Address.
Charles E. Osborn	Son	Remington Jasper Co. Ind.
John Osborn Jr.	Son	Lebanon Ohio
Albert W. Osborn	Son	Lebanon Ohio
Lewis Osborn	Son	Akron Ohio
Lula Kimble	Grand daughter	Hamilton Ohio
John Kimble	Grand Son	Hamilton Ohio
Charles Kimble	"	"
James Kimble	"	"
Lula Reever	Grand daughter	Lebanon Ohio
Minnie Cook	"	"

The State of Ohio, Warren County, ss:
 The above named Albert W. Osborn having first duly sworn, says the statements of the foregoing application are true as he verily believes,
 A. W. Osborn.
 Sworn to before me and subscribed in my presence this 26th day of December A. D. 1881.
 Joseph M. O'Neill Probate Judge.

Notice
 Said Notice to heirs return and endorsement are in the words and figures following:
 The State of Ohio, } In Probate Court.
 Warren County, ss.

In the Matter of the Last Will and Testament of John Osborn Deceased.
 To Emeline Osborn widow, Charles E. Osborn, John E. Osborn, Albert W. Osborn, Lula Reever and Minnie Cook.
 You are hereby notified that on the 26th day of December A. D. 1881, an instrument of writing, purporting to be the Last Will and Testament of John Osborn, late of Turtlecreek Township, in said County, de-

ceased, was produced in open Court, and an application to admit the same to probate, was on the same day made in said Court. Said application will be for hearing before this Court on the 16th day of January A. D. 1882, at 10 o'clock A. M.



In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Court at Lebanon, Ohio, this 26th day of December A. D. 1881.
Joseph H. O'Keall Probate Judge.

Return.

Return.

The State of Ohio, } ss.
Warren County, } Albert M. Osborn being duly sworn, says that on the 27th day of December A. D. 1882, he served the within notice by delivering a true copy thereof to the within named Lula Kever and Minnie Cook, that he gave notice to Lewis Osborn, Ida Remble, John Remble, Charles Remble, and Jerome Stubble heirs of Hannah Remble now deceased by notice published in the Western Star a news paper published and of General Circulation in said County, that Emeline Osborn Widow of said decedent, Charles E. Osborn, John Osborn and A. M. Osborn each signed the waiver and acknowledgement of service here to attached.
A. M. Osborn.

Subscribed in my presence and sworn to before me, this 16th day of January A. D. 1882. Joseph H. O'Keall J. P.

Endorsement.

We, the undersigned persons within named, hereby acknowledge service of the within notice, this 26th day of December A. D. 1881.
Emeline Osborn, C. E. Osborn, John Osborn Jr, A. M. Osborn.
Notice to heirs and proof of Notice is in the words and figures following:

Notice

Notice to Heirs!
The State of Ohio } In Probate Court,
Warren County, ss. }
In the Matter of the Last Will and Testament of John Osborn, deceased.
To Lewis Osborn, whose place of residence is Atross, in the County of Summit, and State of Ohio; Ida Remble, John Stubble, Charles Remble and Jerome Stubble, heirs of Hannah Remble, dec'd, whose place of residence is Camilton, in the County of Tazewell, and State of Ohio:
You are hereby notified that on the 26th day of December A. D. 1881, an instrument of writing, purporting to be the last Will and testament of John Osborn, late of Turtlecreek Township, in said County, dec'd, was produced in open Court, and an application to admit the same to probate, was on the same day made in said Court. Said application will be for hearing before this Court on the 16th day of January, A. D. 1882, at 10 o'clock A. M.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Court at Lebanon, Ohio, this 26th day of December A. D. 1881.
Joseph H. O'Keall
Probate Judge.

Proof.

Proof of Publication.
State of Ohio, } Probate Court of said County,
Warren Co., ss. }
Personally appeared before me, Wm. C. McClintock, who saith that he is Publisher and Proprietor of "The Western Star," a newspaper printed weekly at Lebanon, County of Warren, State of Ohio, and of general circulation in said County, and that the annexed Adver-

Advertisement has been published in said paper for 3 consecutive weeks, commencing Dec. 29th 1881.

Sworn to and subscribed before me, this 14th day of January 1882
Printers Fees, \$ 8.00

Will.

Said Will is in the words and figures following:
I John Osborn of the County of Warren and State of Ohio do make & Publish this my last Will and Testament
1st I give and devise to my wife Emeline the house and Lot where I now reside, said Lot being forty nine and one half (49 $\frac{1}{2}$) feet more or less, in width fronting on Mulberry Street on the north side thereof in the town of Lebanon; and running to the north side of said Lot of land the same width; and the East line of the same to run through the center of the well on said Premises, to be the Property of the said Emeline, my wife for and during her natural lifetime; and at the Death of my said wife, the said Property shall go to and be the Property of my Grand Daughter Minnie Cook and her children, provided that should said Minnie die leaving no issue, said Property on her death shall revert to my Estate, and, after the death of my Wife shall go to and be divided between my other devisees, except my Grand Daughter Lula Kiever.

2nd I Will and direct that my Executors, upon the death of my said Wife, and upon the event of my grand Daughter Lula Kiever arriving at the age of Eighteen years shall Purchase a Lot in the town of Lebanon, of about the same value as the Lot above named in first item; and erect thereon a Dwellinghouse of about the same value as the house now on the above described lot in first item; or Purchase a house and Lot of about the same value of the house and Lot described in item one; and Pay for the same out of any funds belonging to my Estate that may come into their hands and not otherwise devised; and cause the title Deed to said Purchase to be made to my said Grand Daughter Lula Kiever and her children; But if the said Lula shall die leaving no children, then upon her death said Property shall revert and go back to my Estate and go to be divided as to the Proceeds of my farm and Personal Property

3rd I Will and direct that my wood Lot of about twenty five acres in Warren County; and also the Real Estate on the east branch of Turtlecreek, being about 7 $\frac{4}{10}$ acres, and which I have agreed to subscribe to the Miami Valley Railway Co; in the event the same shall not be taken hold of or disposed of by said Company; be sold by my Executors for the best Price and on the best terms they may be able to Procure, by reasonable effort, for the said Property, and that the Proceeds be devoted, by my Executors to the purpose indicated by this will.

4th I Will and direct that the farm I own immediately East of and adjoining to the town of Lebanon, be Rented by Executors for and during the lifetime of my said Wife, for the best Price and on the best terms, and in the best manner that they may be able to agree upon or obtain and upon the decease of my Wife; said farm with the Stock thereon belonging to me shall be sold and the Proceeds divided equally amongst my children and their legal Representatives including the representatives of my deceased Daughter Hannah Kimbal, and excluding the said Minnie Cook and Lula Kiever and their representatives; each family of said representatives to receive together the share that would have been received by their Parents if living.

5th I Give my said Wife a comfortable support for and during her

lifetime out of the rents and Profits of my said farm; and if my Grand Daughter Minnie Cook shall continue to live with her, she shall receive and have, out of said Profits and rents a sufficient amount for the support of said Minnie so long as she shall continue to live with her, as provided for by my said Will.

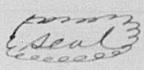
6th, I give to my Wife all my household & Kitchen furniture for her use during her life, and whatever of the same shall remain at her decease shall be disposed of by my Executors, and the Proceeds of the same shall be distributed as my other Personal Property.

7th I direct that my Executors; for the purpose of purchasing a Lot and building thereon a house, as herein before directed to be Purchased and built; use any moneys in their hands from the Proceeds of said Wood lot or other Property Real or Personal; and that, so soon as convenient after my Decease; my Executors sell all my Personal Property Except the stock which may be necessary for the use of the farm and which may be reserved by them for that Purpose or in their discretion they shall determine; and Except such as is otherwise disposed of by this Will; and that they satisfy all Proper demands upon me or my Estate under this Will, or otherwise; and I direct that the surplus of the rents and Profits of said farm that may remain after the support of my Wife and Grand Daughter Minnie as aforesaid, and after keeping up the improvements and repairs of said farm and the said dwelling house of my Wife; and after satisfying all other Proper demands upon same; together with surplus remaining from the sale of other Property aforesaid; be loaned at interest by my Executors upon safe security by mortgage on Real Estate and at such rate of interest as they can best negotiate or obtain, until the Decease of my Wife; and the sale of the farm and all other Property directed to be sold; and then make distribution of the same in accordance with the directions in this Will.

8th I hereby authorize and empower my Executors to sell the property herein directed to be sold, either at Public or Private sale, as may be deemed best; and execute the Proper conveyances and acquittances therefor. I Will and direct that my Executors Pay John St. Oswald thirty five (\$35⁰⁰) for services rendered at the Funeral of my Daughter Martha Stever, without interest, if the same should remain unpaid until after my Decease.

10th As my Son Lewis Osborn has contracted certain debts with certain Dealers my goods, Hardware &c in Lebanon and has removed without satisfying some of them, and some of which I have since Paid for him and taken receipts therefor. I direct that my Executors Pay the following debts amounts to the following Persons, for him if the same should remain unpaid at my Decease, and take Receipts for the same, to wit Sellers & Evans ten dollars & forty six cents (\$10⁴⁶) without interest; to J. H. Lingo six dollars and fifty six cents (\$6⁵⁶) without interest; Pay to George Glosser twenty or twenty three Dollars, without interest; To D. P. Bennett Sixty four Dollars and sixty eight cents (\$64⁶⁸) without interest also an account made for material Purchased of O. T. Bone amount not ascertained, but whatever amount appears to be justly, of Principal, due to said Bone or his representation from my Son Lewis Osborn, without interest; all of which amounts I direct to be Paid out of my Son Lewis, share of my Estate before settlement with him and the receipts and vouchers for such Payments, together with receipts and vouchers I now hold for Payment of moneys for his debts to the

amount of about two hundred dollars, shall be received by him as. Payment in Part of his share of my Estate, Except the amount Paid J. W. Oswald Provided for in item nine of this will which last named amount I direct to be Paid out of the general Estate.
 11" I hereby constitute and appoint my sons Albert M. Osborn^{4th} and John Osborn Executors of this my last Will and Testament,
 I hereby Revoke all former Wills by me made

Signed sealed and acknowledged as my last Will and Testament this 16th day of November A. D. 1881
 In Presence of us John Osborn 

D. Willis Humphreys.
 Francis Jeffery

Prof.

Said Proof is in the words and figures following:
 In the Matter of the Probate of the Last Will and Testament of John Osborn deceased, presented on the 26th day of December, A. D. 1882, The State of Ohio, Warren County, ss;
 In The Probate Court.

Personally appeared in open Court Francis Jeffery and D. Willis Humphreys the subscribing witnesses to the last Will and Testament of John Osborn deceased, who being first duly qualified according to law to speak the truth, the whole truth, and nothing but the truth, in relation to the execution and attestation and acknowledgment of said last Will and Testament on due examination depose and say that said John Osborn now dead, was at the time of his death a resident of the County of Warren and State of Ohio; that they were present at the making of said Last Will and Testament and at the request of deceased, subscribed their names to said Last Will and Testament as witnesses in the presence of the deceased, and of each other, that they saw the said John Osborn deceased, sign and seal said Last Will and Testament, and heard him acknowledge the same to be his Last Will and Testament that the said John Osborn was at the time of execution and attestation of said Last Will and Testament of full age, of sound and disposing mind and memory, and in the execution of the same he acted freely and voluntarily, and not under any restraint.

Francis Jeffery
 D. Willis Humphreys

Sworn to and signed in open Court this 16th day of January A. D. 1882.
Joseph W. O'Heall Probate Judge.

Jan. 10
 Page 382

Estate of John Osborn, deceased.
 On this 19th day of January, A. D. 1882, personally appeared in open Court, Emeline Osborn, widow of said John Osborn, deceased, and after hearing the last Will of her said deceased husband read to her and her rights under said Will and the law explained to her by the Court she did there declare that she did elect to take the provisions made for her by said last Will.
Joseph W. O'Heall P. J.

Jan. 10
 Page 369

Estate of Theresa A. Calvert, deceased;
 On this 11th day of January, A. D. 1882, came Joseph W. Brown and produces and offers for probate and record a paper writing purporting to be the last Will and Testament of Theresa A. Calvert.