

The Will of Josiah Rainwater, 1843-1934, Wilbarger Co., TX

Written 13 Dec 1930, Filed 20 Mar 1934
Wilbarger Co., TX, #1145

Know all men by these presents: That I, **J.W. Rainwater** a resident and citizen of the State and County aforesaid being of sound mind do make and constitute this my last will and testament.

My wife Elizabeth J. Rainwater will properly care for my burial and expense of last sickness (should she survive me), pay all necessary expenses for the same, and pay all my other just and legal debts.

All the property that I am not possessed of, both real, personal or mixed, I hold in common with my said wife, an undivided one-half interest. I specially will and desire that my wife, Elizabeth J. Rainwater, at the time of my death, shall take possession of my entire property of every description and the said Elizabeth J. Rainwater use and occupy the same as her own property, and at her death (should she survive me), I bequeath to Miles Rainwater our home where we now live, and that our household and kitchen furniture to be divided as near equally among the children as possible.

I invest my Executors with full power and authority to sell and convey any part of my estate, real or personal, by consent of my wife, and my wife shall not be held accountable to anyone for money or property used by her as designated authorized use by the provision of this will; and at the death of my wife, I wish and direct my Executors to distribute my estate equally among out children.

I hereby will, constitute and appoint **Miles Rainwater and Charles A. Aderholt** Executors of this my last will and testament, without bond or security, and that the court exercise no control over my estate except to admit this will to probate.

I hereby revoke, cancel and declare void any will or wills that I may have heretofore made or executed, and constitute this my last will and testament. In testimony of all of which I hereunto affix my seal and sign my name in the presence of these subscribing witnesses & signed witnessed in the town of Vernon, Tex. on this 13th day of Dec. 1930.

J.W. Rainwater
Attest: M. Rainwater, R. L. Luttrell

✓
No. 1145

Estate of J. W. Rainwater, Deceased.

APPLICATION TO PROBATE WILL.

The State of Texas
County of Wilbarger. In the Probate Court of Wilbarger County, Texas, March Term, 1934.

In the Matter of the Estate of J. W. Rainwater, Deceased.

To the Hon. M. G. Poteet, Judge of said Court:

Your petitioners, Miles Rainwater and Chas. A. Aderholt, show unto Your Honor, that J. W. Rainwater departed this life on the 16th day of March, A D. 1934, in Wilbarger County, Texas, leaving real and personal property of the probable value of \$15,000.00.

Petioners show to the Court that the said J. W. Rainwater, deceased, resided at the time of his death in Wilbarger County, in the State of Texas, and left his last will and testament, which, so far as petitioners are informed is properly executed, and which is herewith filed. That your petitioners reside in Wilbarger County, Texas, and are named as executors in said will, and that neither are disqualified by law from receiving letters testamentary.

Wherefore your petitioners pray that notice of this application be given as required by law, that said will be admitted to probate and letters testamentary be issued to them.

M. Rainwater
Chas. Aderholt, Applicants.

Filed March 20, 1934
J. E. Collins, County Clerk
Wilbarger County, Texas.
By M. Andrews, Deputy.

here

No. 1145

Estate of J. W. Rainwater, Deceased.

NOTICE IN PROBATE

The State of Texas.

To the Sheriff or any Constable of Wilbarger County, Greeting:

You are hereby commanded to cause to be posted for ten days, exclusive of the day of posting, before the return day hereof, in three of the most public places in your County, one of which shall be at the Court House door, and no two of which shall be at the Court House door, and no two of which shall be in the same city or town, copies of the following notice:

The State of Texas

To all persons interested in the Estate of J. W. Rainwater, Deceased. Miles Rainwater and Chas. A. Aderholt, have filed an application in the County Court of Wilbarger County on the 20th day of March 1934, for the probate of the Last Will and Testament of J. W. Rainwater, Deceased, and for Letters Testamentary, which said application will be heard by said Court on the 2nd day of April 1934, at the Court House of said County, in Vernon, at which time all persons interested in said Estate are required to appear and answer said application, should they desire to do so.

Herein fail not, but have you before said Court, on the first day of the next term thereof, this Writ, with your return thereon, showing how you have executed the same.

Witness my hand and official seal, at Vernon, Texas, this 20th day of March 1934.

J. E. Collins, Clerk County Court,
Wilbarger County, Texas.
By M. Andrews, Deputy.

(L. S.)

SHERIFF'S RETURN

Came to hand on the 20th day of March 1934, at ___ o'clock ___ M., and executed on the 20th day of March 1934, by posting copies of the within notice for ten days, exclusive of the day of posting, before the return day hereof, at three of the most public places in Wilbarger County, Texas, one of which was at the Court House door of said County, one at Tolbert and one at Oklaunion, no two of which places are in the same city or town.

FEES: Posting three Notices \$3.00
Mileage 36 Miles 2.70
Total \$5.70

J. D. Linton, Sheriff
Wilbarger County, Texas

Filed March 23, 1934.
J E Collins, County Clerk.
By M. Andrews, Deputy.

No. 1145

Estate of J. W. Rainwater, Deceased.

LAST WILL AND TESTAMENT

State of Texas

County of Wilbarger.

Know all Men by these Presents:

That I, J. W. Rainwater a resident and citizen of State and County aforesaid being of sound mind do make and constitute this my last will and testament.

My wife Elizabeth J. Rainwater will properly care for my burial and expense of last sickness (should she survive me) pay all necessary expenses for the same, and pay all my other just and legal debts.

All the property that I am now possessed of both real, personal or mixed, I hold in common with my said wife, an undivided one half interest. I specially will and desire that my wife Elizabeth J. Rainwater at the time of my death, shall take possession of my entire property of every discription and the said Elizabeth J. Rainwater use and occupy the same as her own property, and at her death (should she survive me) I bequeath to Miles Rainwater our home where we now live, and that our house hold and kitchen furniture be divided as near equally among the children as possible (see 2d page)

I invest my Executors with full power and authority to sell and convey any part of my estate real or personal, by consent of my wife, and my wife shall not be held accountable to any one for money or property used by her as designated authorized by the provision of this will; and at the death of my wife, I wish and direct my Executors to distribute my estate equally among our children.

I hereby will, constitute and appoint Miles Rainwater and Chas. A. Aderholt Executors of this my last Will and testament, without bond or security and that the Court exercise no control over my estate except to admit this will to probate,

I hereby revoke, cancel and declare void any will or wills that that I may heretofore have made or executed and constitute this my will and testament.

In testimony of all of which I hereunto affix my seal and sign my name in the presence of these subscribing witnesses & signed witnessed in the town of Vernon, Tex. on this the 13th day of Dec. 1930.

Attest: M. Rainwater
R. L. Luttrell

J. W. Rainwater

Filed March 20, 1934
 J. E. Collins, County Clerk
 Wilbarger County, Texas.
 By M. Andrews, Deputy.

✓
 No. 1145

Estate of J. W. Rainwater, Deceased.

PROOF OF WILL

The State of Texas,
 County of Wilbarger Estate of J. W. Rainwater, Deceased.

Proof of Last Will and Testament of J. W. Rainwater Deceased.

This day personally appeared in open Court Miles Rainwater who, being duly sworn as a witness in the above entitled matter, and examined on behalf of the applicant to prove said Will, says: I was well acquainted with J. W. Rainwater deceased, during his life time; I knew the above decedent for about 57 years before his death; the signature of the said deceased to the instrument now shown to me, and offered for probate as the last last Will and Testament, filed in this Court on the 20th day of March, A.D. 1934, and bearing date on the 13 day of December A. D. 1930, was made by the deceased on said last named date at his home in Vernon, Texas, in presence of myself, the said Miles Rainwater and R. L. Luttrell, the other subscribing witness; all of said witnesses being over the age of fourteen years. At the time of the making of said Will the testator was of sound and disposing mind and memory, and he declared the said Will so made by him to be his last Will and Testament, and I thereupon signed my name as a witness, together with R. L. Luttrell at the request of the said testator, in his presence and in the presence of each other. The said deceased at the time of the execution of said instrument was 87 years of age; the said J. W. Rainwater departed this life on the 16th day of March A. D. 1934, about 3 years after making said Will, in the County of Wilbarger in the State of Texas, where and at which time his residence and principal estate was situated, and without having revoked said Will so far as known to affiant.

Miles Rainwater

Sworn to and subscribed before me this 2nd day of April, A. D. 1934, in open Court.

(L. S.)

J. E. Collins, Clerk County Court,
 Wilbarger County, Texas.

Filed April 2, 1934
 J. E. Collins, County Clerk.

ORDER PROBATING WILL. APPOINTMENT OF APPRAISERS.

In the Matter of the Estate
of J. W. Rainwater, Deceased.

In the Probate Court of Wilbarger County, Texas, April Term, 1934. April 2nd, 1934.

The petition in this cause coming on to be heard for the probate of a certain instrument of writing alleged to be the last Will and Testament of J. W. Rainwater, deceased, and for the grant of letters testamentary thereon, and the evidence, a statement of which is filed with the papers in this cause, having been duly considered, it is ordered, adjudged and decreed by the Court that said instrument of writing has been duly proved, and that the same shall be recorded as the last will and testament of said J W Railwater, deceased, and that the testimony aforesaid be recorded with said will.

It is further ordered, adjudged and decreed that Miles Rainwater and Chas. A. Aderholt be appointed Executors under said Will and that letters testamentary thereon be issued to them as such.

It further appearing that said will states that no bond be required of them that said letters be issued to them when they shall have taken the required oath.

It is further order__ by the Court that J. V. Owen, H. W. Norwood and C. S. McCulloch be appointed appraisers to appraise said property, any two of whom may make said appraisement.

(L. S.)

M. G. Poteet, Judge of the Probate
Court, Wilbarger County, Texas.

Filed April 2, 1934
J. E. Collins, Co. Clk.
Wilbarger County, Texas.

✓
No. 1145

Estate of J. W. Rainwater, Deceased.

OATH

We do Solemnly Swear that that the writing which has been offered for probate is the last will of J. W. Rainwater so far as we know or believe, and that we will well and truly perform all the duties of Executors of the Estate of said J. W. Rainwater, deceased.

Miles Rainwater
Chas. Aderholt

Sworn to and subscribed before me the 2 day of April A. D. 1934.

(L. S.)

J. O. Rouse, Notary Public,
Wilbarger County, Tex.

Filed April 2, 1934.

J. E. Collins, County Clerk.

✓
No. 1145.

Estate of J. W. Rainwater, Deceased.

INVENTORY & APPRAISEMENT

In the County Court of Wilbarger County, Texas, April Term, 1934. April 2nd, 1934.

Inventory and Appraisement in the Estate of J. W. Rainwater, deceased, as given by Miles Rainwater, and Chas. A. Aderholt, Executors of said Estate on this the 2nd day of April, A. D. 1934.

Separate Property:

The Deceased had no separate property.

COMMUNITY PROPERTY:

Real Estate

Lots Nos. 7 and 8 in Block No. 57 of the Robinson Addition
to the town of Vernon, Wilbarger County, Texas \$2000.00

75 x 135 feet out of a 50 acre tract out of the N W 1/4 of
Sur. No. 63 Block No. 12 H & T C Ry Co Surveys in Wilbarger County, Texas,
and being the same property deeded to the said J. W. Rainwater by Miles
Rainwater and wife as shown by deed of record in Vol. 106 page 333, of the
Deed Records of Wilbarger County, Texas, \$2500.00

PERSONAL PROPERTY:

4 vendor's lien notes executed by Ira B. Luttrell, each dated the 5th day of October, 1933; Note No. 1 in the sum of \$672.00 due on or before January 1st, 1934; Notes Nos. 2, 3 and 4 each in the sum of \$500.00 due on or before January 1st, 1935, 1936 and 1937 each respectively, each bearing 8% interest from their date until paid, said notes having been executed in part payment for the N 100 acres of Subdivision No. 56 of the Waggoner Colony lands situated in Wilbarger County, Texas; no credits of any kind appear on said notes \$2172.00

1 vendor's Lien note in the sum of \$1742.61, dated the 1st day of November, 1933, due November 1st, 1937, bearing 8% interest from its date, signed by Henry C. Streit and Mrs. Alice Streit, Executor and Executrix of the Estate of Albert Streit, deceased, and payable to J. W. Rainwater, said note given in part payment for Subdivision No. 295 of the Waggoner Colony lands, situated in Wichita County, Texas \$1742.61

1 Promissory Installment vendor's Lien note dated the 2nd day of December, 1924, payable to Miles Rainwater and duly assigned by him, Originally in the sum of \$3500.00, payable in 12 semi-annual installments, 11 in the sum of \$300.00 each and the 12th installment to be \$200.00, the first installment due and payable on the 2nd day of June, 1925 and one installment on or before each six months, thereafter until the full amount is paid, said vendor's lien note being signed by Wylie W. Bennett and given in part payment for the NE 1/4 of Block No. 28 of the Texas Townsite Company's Addition to Vernon, Wilbarger Co., Texas. Said note has a credit of \$1000.00 on the principal and \$1160.00 on interest \$ 250.00

One personal note in the sum of \$1500.00, executed by John Brownlee, and Minnie Brownlee, payable to J. W. Rainwater, dated the 28th day of December, 1927, due September 28th, 1929, bearing 8% interest from its date with a credit of \$1000.00 on November 29, 1930 \$ 500.00

One Personal Note in the sum of \$470.00 signed by W. M. Austin payable to J. W. Rainwater, dated the 4th day of November, 1933, due 12 months after date, bearing 8% interest from its date, with no credits \$ 470.00

One Personal Note in the sum of \$244.00 signed by Clarence Rainwater, payable to J. W. Rainwater, dated the 1st day of November, 1933, due on or before August 1st, 1934, bearing 8% interest from its date until paid, no credits of any kind \$ 244.00

Cash on hand in the Herring National Bank	\$11,576.12
Cash on hand in the Waggoner National Bank	2,080.00
Household and Kitchen furniture	<u>250.00</u>

Total appraised value of all property \$23,785.45

Of this amount one-half belongs to the Estate of the
said J. W. Rainwater \$11,892.72

Debts Due by said Estate as follows:

J. M. Underwood Funeral Home (Funeral Expenses . .	\$430.00
Dr. T. A. King, Medical Bill	<u>27.00</u>

Total debts \$457.00 \$ 457.00

A net balance of said estate valued at \$11,435.72

We the undersigned solemnly swear that the foregoing is a full and fair
appraisement and inventory of the Estate of J. W. Rainwater, deceased, produced before
us by the said Miles Rainwater and Chas. A. Aderholt.

C. S. McColloch
J. V. Owen
H. W. Norwood

Subscribed and sworn to before me, this the 2nd day of April, A. D. 1934.

(L. S.)

J. O. Rouse, Notary Public,
Wilbarger County, Texas.

Filed April 2, 1934
J. E. Collins, County Clerk
Wilbarger County, Texas.
By M. Andrews, Deputy.

✓
No. 1145 Estate of J. W. Rainwater, Deceased.

ORDER APPROVING INVENTORY & APPRAISEMENT.

In the Matter of the Estate of
J. W. Rainwater, Deceased. In the County Court of Wilbarger County, Texas, April
Term, 1934.

On this the 2nd day of April, 1934, came on to be considered the report
of the Inventory and Appraisement and list of Claims of the Estate of J. W. Rainwater,
deceased, made before me by C. S. McColloch, J. V. Owen and H. W. Norwood, who have
heretofore been appointed by this court to appraise said estate, and the Court having
examined the same and being satisfied therewith, it is the order of this Court that said
appraisement be and the same is hereby in all respects approved and ordered recorded in
the Minutes of this Court.

M. G. Poteet, County Judge,
Wilbarger County, Texas.

Filed April 2, 1934
J. E. Collins, County Clerk
Wilbarger County, Texas.