

Surrogate's Court
County of Westchester

IN THE MATTER OF THE
PROBATE OF THE WILL

of

Annie D. Verks

Late of *Port Chester*
WESTCHESTER COUNTY, N. Y.

PROBATE PAPERS

Admitted *Nov 7* 19*29*

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Letters Issued
NOV - 7 1923
SECRETARYS OFFICE

I, ANNIE D. YERKS, of the Village of Port Chester, Town of Rye, County of Westchester and State of New York, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all previous Wills by me made.

FIRST: I direct that all my just debts and funeral expenses be paid as soon after my decease as may be.

SECOND: I give, devise and bequeath all the rest, residue and remainder of my estate, both real and personal, of whatsoever kind or description and wheresoever the same may be situate, to my husband, GEORGE OAKLEY YERKS. To have and to hold the same unto him, his heirs and assigns forever.

THIRD: I do hereby nominate, constitute and appoint said GEORGE OAKLEY YERKS to be the Executor of this my Last Will and Testament and I direct that he be permitted to serve without the giving of an official bond as such Executor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this twenty-seventh day of August, One thousand nine hundred twenty-three.

WITNESSES:

PERRY D. DUNN

PHEBE F. SARLES

ANNIE D. YERKS L.S.

The foregoing typewritten instrument consisting of One (1) page, was subscribed by the said ANNIE D. YERKS in our presence, and she then and there acknowledged to each of us that she had executed the same, and she at the same time declared the said instrument so subscribed by her to be her Last Will and Testament and we, at her request have signed our names as witnesses hereto, in her presence and in the presence of each other, and have written opposite our names our respective places of residence.

PERRY D. DUNN Residing at Port Chester, N.Y.
PHEBE F. SARLES Residing at Port Chester, N.Y.

Surrogate's Court
County of Westchester.

1929 1800

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

File No.19.....

All papers must be filed
two days before the day
fixed for the hearing.
Erase unnecessary alle-
gations in this Petition.

ANNIE D. YERKS
.....
Deceased.

To the Surrogate's Court of the County of Westchester:

The Petition of GEORGE OAKLEY YERKS
residing at 29 Grove Street.....in the Village.....of
Port Chester.....in the County of Westchester.....and State of
New York

..... respectfully showeth:
That your Petitioner.....is the.....Executor.....named in the Last Will and
Testament of Annie D. Yerks.....late of the
Village.....of Port Chester.....in said County, deceased.

That said Last Will and Testament, herewith presented and hereby offered for
Probate, relates to both real and personal property, and bears date the.....27th.....day
of August....., 1923 and is signed at the end thereof by the Testatrix
and by Perry D. Dunn and Phebe F. Sarles
.....as subscribing witnesses.

That there is herewith presented also a paper writing purporting to be a CODICIL
thereto, bearing date the.....day of....., 1....., and signed
at the end thereof by said Testa.....and by.....
.....as subscribing witnesses.

That the Petitioner does not know of any.....Codicil to said Last Will and
Testament, nor is there any.....Codicil to the best of his information and belief.

That said deceased, at the time of her death, resided at Port Chester.....
in the Town.....of Rye.....County of Westchester and State of New
York, and departed this life in the Village of Port Chester....., Westchester
County, on the 4th.....day of November....., 1929.....

That the ^{husband}~~wife~~ all the heirs and all the next-of-kin of said Testatrix, each
person designated in the Will herewith presented and hereby offered for probate as
executor, testamentary trustee or guardian; and also each person named as executor,
testamentary trustee, guardian, legatee, devisee or beneficiary IN ANY OTHER
WILL of the same testatrix....filed in the Surrogate's office and their residences and
post office addresses are as follows:

P
W
W

GEORGE OAKLEY YERKS a husband of deceased
whose post office address is 29 Grove Street, Port Chester, N. Y.

WILLIAM B. YERKS a son of deceased
whose post office address is Silvertown, New Jersey

JAMES LEROY YERKS a son of deceased
whose post office address is 38 Lake Avenue, Greenwich, Conn.

..... a of deceased
whose post office address is

..... a of deceased
whose post office address is

..... a of deceased
whose post office address is

..... a of deceased
whose post office address is

..... a of deceased
whose post office address is

..... a of deceased
whose post office address is

..... a of deceased
whose post office address is

That the petitioner.....in this proceeding and all of the heirs-at-law and next of kin of the above-named decedent, and all legatees, devisees, beneficiaries, executors and Trustees under his..... Last Will and Testament are citizens of the United States of America, EXCEPT

That the value of the REAL PROPERTY in this State of which the Testator died seized is.....dollars, and that the value of the PERSONAL PROPERTY of which said Testator died possessed is not over.....\$3000.00.....dollars.

That said decedent left ~~has~~ surviving no ^{husband}~~wife~~ child or children, no adopted child or children; no issue of any deceased child or children, no issue of any deceased adopted child or children; no father or mother, no brother or sister of the half or whole blood, and no issue of any deceased brother or sister, no uncle, no aunt, and no issue of any deceased uncle or aunt, EXCEPT those hereinbefore mentioned.

That there is no person designated in the Will herewith presented and hereby offered for probate as executor, testamentary trustee or guardian, and there is no person named as executor, testamentary trustee, guardian, devisee, legatee or beneficiary in any other will of the same testator filed in the Surrogate's office of the County of Westchester, EXCEPT as hereinbefore mentioned.

That no Petition for the probate of the Will herewith presented and hereby offered for probate, or for letters of administration on said estate, has been heretofore filed in this or any other Surrogate's Court of this State and that no other Will of said testator has been filed in the Surrogate's office of Westchester County, EXCEPT as hereinbefore mentioned and described.

That the names and post office addresses of the devisees, legatees and other beneficiaries named in the Will herewith presented and hereby offered for probate

That there are no other persons than those mentioned interested in the application or proceeding.

Wherefore your Petitioner prays:

That a citation to show cause issue herein to the persons hereinbefore named who are required to be cited, citing them to show cause why the last Will and Testament herewith presented and hereby offered for probate should not be admitted to probate.

That an order be granted directing the service of the citation personally without the State or by publication upon the persons hereinbefore named, who are not residents of the State of New York, and also upon the persons hereinbefore named who and whose names or residences and post office addresses are unknown and cannot be ascertained; and

That the last Will and Testament herewith presented and hereby offered for probate may be admitted to Probate as a will of real and personal property and that letters testamentary may be issued to the execut...or....who may qualify thereunder.

Dated November 6th....., 192 9

Witness at to make
Walter G. Seely

^{his}
George O. X Yerks
mark
Petitioner.

.....
Petitioner.

State of New York, }
County of Westchester } ss.:

GEORGE OAKLEY YERKS

being duly sworn, depose and say that he is the petitioner in this proceeding; that he has read the foregoing petition and know the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged on information and belief: and as to those matters he believes it to be true.

Sworn to before me this 6th day of November, 192 9

Ernest D. Seely
Notary Public.

^{his}
George O. X Yerks
mark

Witness at to make
Walter G. Seely

✓

"Designation"

I, GEORGE OAKLEY YERKS
an execut^{or} named in the last will and testament of ANNIE D. YERKS
a resident of Port Chester in
the County of Westchester, deceased, do hereby designate the Clerk of the Surrogate's
Court of the County of Westchester, and his successor in office, as a person on whom
service of any process issuing from the Surrogate's Court of the County of Westchester
may be made, in like manner and with like effect as if it were served personally upon
me, whenever I cannot be found and served within the State of New York after due
diligence used. I am a resident of Port Chester, N. Y.

Witness as to mark

Walter G. Sully *George O. Yerks*
mark

State of New York, } ss.:
County of Westchester

On this 6th day of November, 1929, before me personally
came GEORGE OAKLEY YERKS
to me known and known to me to be the person described in and who executed the
foregoing instrument, and duly acknowledged that he executed the same.

Ray D. Danner
Notary Public.

Executor's Oath

State of NEW YORK } ss.:
County of WESTCHESTER

I, GEORGE OAKLEY YERKS
of the Village of Port Chester, County of Westchester Execut^{or}
named in the last Will and Testament of ANNIE D. YERKS
late of the Village of Port Chester, County of Westchester, deceased,
do solemnly swear and declare that I will well, honestly and faithfully discharge
the duties of Execut^{or} of said last Will and Testament according to law.

Sworn to before me this 6th
day of November, 1929

George O. Yerks
Address 29 Grove Street

Port Chester, New York.

Ray D. Danner
Notary Public.

Witness as to mark
Walter G. Sully

Surrogate's Court,
County of Westchester.

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

1929 1832

ANNIE D. YERKS

Deceased.

TO THE SURROGATE'S COURT OF THE COUNTY OF WESTCHESTER:

JAMES LEROY YERKS

WILLIAM B. YERKS

the undersigned, being heirs-at-law and next of kin of Annie D. Yerks

deceased, do hereby appear in person and waive the issue and service of a citation
in the above entitled matter and consent that said instrument, bearing date
August 27th 1923, purporting to be the last will and
testament of said deceased, be forthwith admitted to probate.

Dated, November 4th, 1929

William B. Yerks
James L. Yerks

State of New York, }
County of Westchester } ss.:

On this 4th day of November 1929, before me
personally came JAMES LEROY YERKS and WILLIAM B. YERKS

to me known and known to me to be the persons described in and who executed the
foregoing waiver and consent and acknowledged that they executed the same.

Rory J. [Signature]
Notary Public.

Note:—The certificate of the County Clerk, on the reverse side hereof, must be executed for any acknowledgment
taken OUTSIDE the STATE OF NEW YORK.

Surrogate's Court,
County of Westchester.

1929

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

ANNIE D. YERKS

Deceased.

State of New York,
County of Westchester. } ss.

PHOEBE F. SARLES

being duly sworn
and examined as a witness in the above proceeding, testifies:

I reside at Port Chester, County of Westchester and State of New York.

I was well acquainted with Annie D. Yerks late of the
Village of Port Chester in said county, for more than 25 years

prior to her death. I was present and saw the said deceased subscribe her name at
the end of the paper writing now produced and shown to me bearing date Aug. 27, 1923

and purporting to be the last Will and Testament of
the said decedent. The said ANNIE D. YERKS at the time

of such subscription declared said paper writing to be her last Will and
Testament and requested me and Perry D. Dunn

the other subscribing witness to sign our names as witnesses thereto. I thereupon
signed my name as witness at the end of said paper writing in the presence of said
decedent and in the presence of Perry D. Dunn

the other subscribing witness to said paper writing. I saw Perry D. Dunn
at the same time sign his name as witness
at the end of said paper writing in the presence of said decedent.

Said decedent was at the time of signing said paper writing about 51 years
of age, impressed me as being a rational person of sound mind and memory and was
not acting under any restraint.

Sworn, examined and subscribed before me
this 7th day of November, 1929

Phoebe F. Sarles.

[Signature]

Probate-Deputy Clerk of the Surrogate's Court.

**Surrogate's Court,
County of Westchester.**

*In the Matter of the PROBATE of the Last Will
and Testament of*

ANNIE D. YERKS

Deceased.

*State of New York, }
County of Westchester. } ss.:*

*PERRY D. DENNISON, being duly sworn
and examined as a witness in the above proceeding, testifies:*

I reside at Port Chester, County of Westchester and State of New York.

*I was well acquainted with ANNIE D. YERKS late of the
Village of Port Chester in said county, for more than 6 years*

*prior to her death. I was present and saw the said deceased subscribe her name at
the end of the paper writing now produced and shown to me bearing date July 27, 1923.*

*and purporting to be the last Will and Testament of
the said decedent. The said ANNIE D. YERKS at the time*

*of such subscription declared said paper writing to be her last Will and
Testament and requested me and Phebe F. Barles*

*the other subscribing witness to sign our names as witnesses thereto. I thereupon
signed my name as witness at the end of said paper writing in the presence of said*

*decedent and in the presence of Phebe F. Barles
the other subscribing witness to said paper writing. I saw Phebe F. Barles*

*at the same time sign her name as witness
at the end of said paper writing in the presence of said decedent.*

*Said decedent was at the time of signing said paper writing about 51 years
of age, impressed me as being a rational person of sound mind and memory and was
not acting under any restraint.*

*Sworn, examined and subscribed before me
this 12th day of November, 1929.*

Perry D. Dennison
C. W. Kennard

Probate-Deputy Clerk of the Surrogate's Court.

At a Surrogate's Court, held in and for the County of Westchester,
at the Surrogate's Office, in the City of White Plains,
on the 7th day of November, 1929

Present: Honorable George A. Slater, Surrogate.

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

of

Annice D. Yerkes
Deceased.

A Duly Verified Petition, having been presented by
George Carter Yerkes the proponent
and duly filed, for the probate of a paper writing purporting to be the Last Will and
Testament of *Annice D. Yerkes*
late of the *Village of Post Chester*, in the said County,
deceased, setting forth the facts upon which the jurisdiction of the Court to grant pro-
bate thereof depends, and praying that the same might be proved, and it satisfactorily
appearing that all the persons required by law to be cited or who are interested in this
proceeding have by their appearance, consent or waiver in writing duly executed and
filed, waived the issuance and service upon them of a citation in this proceeding and
consented to the probate of said paper writing, and after hearing the proofs and alle-
gations in support of the probate of the said paper writing, and due deliberation being
had thereon, and the probate not having been contested, on motion of
said proponent

It is Ordered, Adjudged and Decreed, That the paper writing so propounded
as the Last Will and Testament of the said
Annice D. Yerkes
late of the *Village of Post Chester*, in said County,
deceased, was duly executed, that the said testatrix was at the time of executing
it in all respects competent to make a Will and was not under restraint.

And It is Further Ordered, Adjudged and Decreed, That said paper writing be
admitted to probate as the Will of said
Annice D. Yerkes
deceased, valid to pass both real and personal property, and that said paper writing
and this decree be recorded.

And It is Further Ordered, Adjudged and Decreed, That upon due notice as
required by law, that said Will has been offered for probate or probated, being duly
filed, together with proof by affidavit of the mailing of a copy of such notice to each
and every legatee, devisee or beneficiary as set forth in the petition, and upon the
persons named in said Will as the executors thereof appearing and qualifying ac-
cording to law, Letters Testamentary thereupon forthwith issue to them or such of
them as shall so qualify.

George A. Slater
Surrogate.