

## PROBATE RECORD No. 6

#120261

IN THE DISTRICT COURT OF IRON COUNTY, UTAH.

IN THE MATTER OF THE ESTATE  
OF  
ERNEST BRUNSON, DECEASED.

ORDER AUTHORIZING ADMINISTRATRIX  
TO EXECUTE A PROMISSORY NOTE AND  
MORTGAGE.

Beatrice P. Brunson, administratrix of the estate of Ernest Brunson, deceased, having heretofore filed herein her petition praying that she be authorized to execute a promissory note and real estate mortgage; and the matter coming on regularly for hearing this day, and it appearing to this Court that notice of the hearing of said petition has heretofore been given by posting and mailing as required by law and the order of this Court heretofore made and entered to all persons interested in said estate; and it further appearing that no objections or protests have either been made or filed; and it further appearing that it is necessary and to the best interests of the said estate and those interested therein that said administratrix be authorized to execute a promissory note and mortgage;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Beatrice P. Brunson, administratrix of the estate of Ernest Brunson, deceased, be, and she is hereby, authorized to borrow the sum of \$5400.00 from the Co-Operative Security Corporation, a Utah corporation, and to execute a real estate mortgage to secure the payment of said note, said note to provide for payments of \$55.00 per month, including interest at the rate of 3% per annum, and that said mortgage be on that certain real property situate in the County of Iron, State of Utah, and more particularly described as follows, to-wit:

All of Lots 1, 2 and 3, Block 1, Del-Mar Place Subdivision, situated in the Northeast quarter of the Northeast quarter of Section 14, Township 36 South, Range 11 West, Salt Lake Meridian.

Dated this 26th day of January, 1960.

WILL L. HOYT  
JUDGE OF THE DISTRICT COURT.

## CERTIFICATE

STATE OF UTAH

County of Iron

I, W. Clair Rowley, County Clerk and ex-officio Clerk of the Fifth Judicial District Court in and for Iron County, hereby certify that the foregoing is a full, true and correct copy of the original Order Authorizing Administratrix to Execute a Promissory Note and Mortgage, Probate No. 1680, Entitled the Estate of Ernest Brunson, Deceased, now on file and on record in my office.

WITNESS my hand and the seal of my said office in Parowan, Iron County, Utah, this 5th day of February, 1960.

(SEAL)

W. Clair Rowley  
Clerk of District Court  
Iron County, Utah

Filed for record February 15, 1960 at 9:00 a.m. at the request of Cline Wilson & Cline.

*Jean H. Heasley*  
County Recorder  
*By Cora J. Shultz - Deputy*

#120468

IN THE DISTRICT COURT OF BEAVER COUNTY, UTAH

IN THE MATTER OF THE ESTATE  
OF  
WALTER W. COOK, also known  
as W. W. COOK, DECEASED.

DECREE OF FINAL DISTRIBUTION.

Charlene Cook and Howard Cook, executors of the last will and testament of Walter W. Cook, deceased, having heretofore rendered and filed herein their first and final account and report of administration, and having with the said first and final account and report, filed their petition for settlement thereof and for a decree of final distribution;

And the said account and report and petition coming on regularly to be heard, proof having been made to the satisfaction of the Court that the Clerk has given due notice of the hearing of the petition for settlement and for final distribution in the manner and for the time in such cases made and provided, as as directed by an order of this court heretofore made and entered herein;

And it appearing that the said account is in full respects true and correct, and it further appearing that all claims presented have been allowed and paid; and it further appearing that all funeral expenses, costs and expenses of last illness, and costs and expenses of administration, together with the fees of attorneys for said executors have been paid; and it further appearing that the attorneys for said executors have performed special services which, with the statutory fees, are of the reasonable value of \$2500.00; and it further appearing that the Utah State Inheritance Tax and the United States of America Federal Estate Tax have been paid; and it further appearing that all other charges

that all other charges and taxes of every kind and nature necessary to be paid have been paid;

And it further appearing that there is available for distribution the real and personal property hereinafter set forth and described;

And it appearing that distribution as hereinafter set forth is strictly in accordance with the terms and provisions of the last will and testament of said decedent;

And it further appearing that the within entitled estate is in all respects in a condition to be closed and the assets of said estate distributed to those entitled thereto;

IT IS ORDERED, ADJUDGED AND DECREED:

1. That due and legal notice of the hearing of the first and final account and report of the executors and their petition for final distribution has been given;

2. That the said first and final account and report of said executors be, and the same is, hereby settled, approved and allowed;

3. That there be, and there is, hereby distributed to Charlene Cook the following real property situate in Beaver County, Utah, to-wit:

lots 21 and 22, Block 6, Milford Heights Subdivision to the Town of Milford.

4. That there be, and there is, hereby distributed to Alice F. Alley, Ethel L. Wheeler, Water Douglas Cook, Linda Elaine Cook and Scott Eugene Cook, the following personal property, to-wit:

Two saddles; One Winchester Shotgun; One 30-30 Winchester Rifle; one 22 Winchester Rifle; One 22 Pistol.

5. That all the rest and residue of the property remaining in the hands of said executors be, and the same is, hereby distributed to Tracy-Collins Trust Company, a banking and fiduciary corporation of Salt Lake City, Utah, but in trust nevertheless in accordance with the following terms and provisions as set forth in the last will and testament of said decedent, and the condicil thereto, to-wit:

"To possess the same right of control and management of the property of the trust estate, and to hold and invest any and all funds in its hands in any manner not prohibited by law, and to pay and/or use and/or invest and/or accumulate hold, apply and distribute the funds or property of the trust estate to or for the purposes hereinafter stated, and/or to or for the use and benefit of the beneficiaries hereinafter named, and to convey and transfer the corpus or principal of the trust estate as hereinafter provided. Without limiting the generality of the foregoing said trustee in its descretion is hereby authorized and empowered:

To retain without liability for loss or depreciation from such retention, original property, real or personal, at any time received by it from the executors for such time as to it may seem best, although such property may not be of a character prescribed by law for the investment of trust funds, and although it represents a large percentage of the total property of the trust estate; and to dispose of such original property by sale or otherwise, as and when it shall seem advisable, and receive and administer the proceeds as a part of the trust estate;

To partition, allot and divide in kind among those entitled thereto, any of the property of the trust estate at the time of payment and/or distribution thereof and to adjust any inequalities caused by such partitionment, allotment or division by the creation of liens upon the property partitioned, allotted or divided, or by cash, or by such other means as said trustee may deem advisable, and the valuation placed by said trustee upon the property so transferred shall be binding and conclusive upon all persons interested.

Each beneficiary hereunder, excepting Charlene Cook, is hereby restrained from anticipating, encumbering, alienating or in any other manner assigning his or her interest or estate either in principal or income, and is without power so to do, nor shall any interest or estate be subject to his or her liabilities, nor to judgment or other legal process, bankruptcy proceedings, claims of creditors or others, and shall not pass or descend by operation of law; provided, however, that nothing herein stated shall be construed to prevent the exercise of the power of appointment given my wife, Charlene Cook, in any particular.

Excepting as to my said wife, all income and/or principal shall be payable to and deliverable to, and only and personally to, the respective beneficiaries entitled to take the same hereunder, provided, however, that any sum or sums payable by the said trustees for the benefit of my children during their minority may, at the option of said trustee, be paid to the person or persons with whom such children may be living, to be used by such person or persons for the purpose hereinafter mentioned, and a receipt by such person or persons shall be and constitute a full and complete discharge to the said trustee for any sums so paid, or the said trustee, at its option, may expend any sum or sums directly for the benefit of any of said minors.

One part of the trust estate, or the value thereof, shall be set apart and aside for the use and benefit of my wife, Charlene Cook. The said trustee shall during her lifetime, or until she re-marries, distribute to her, all of the income and such necessary invasion of principal as necessary to provide her with the sum of Sixty Dollars (\$60.00), per month; and in addition thereto may invade

principal to such extent as it may deem necessary for extraordinary expenses arising out of and incidental to her own care. Upon her re-marriage or death, whichever first occurs, any undistributed portion of this segregated trust estate shall become a part of the trust estate set forth in the next paragraph; provided, however, that in the event my said wife is living and is not married when my youngest living child attains the age of twenty-one years, the entire undistributed portion shall be distributed to her and this trust estate settled and closed.

The remainder of the trust estate, or the value thereof, shall be set apart and segregated for the use and benefit of my then living children and my step-daughter, Judy Thompson. The said trustee shall pay over or expend for the use and benefit of said children all of the income and necessary withdrawals from principal for their education, maintenance and support while each is under the age of twenty-one years, but not exceeding the sum of Sixty Dollars (\$60.00), per month for each child who is under such age; provided, however, that if any of said children are attending a recognized college and attaining satisfactory grades, the said trustee shall from income and/or principal provide whatever additional sums may be reasonably necessary, considering, however, that there shall be reserved in said trust estate sufficient to provide any younger children with equal opportunity. To such child who has attained, or as each child attains the age of twenty-one years, and not attending college, the trustee shall distribute the sum of Twenty-five Dollars (\$25.00), per month.

At such time as the youngest of such children attains the age of twenty-five years, or at such time as the youngest of said children has attained the age of twenty-one years and none of said children are attending a recognized college and attaining satisfactory grades, the said trustee shall distribute the remaining portion of the trust estate to said children, share and share alike. In the event any of my said children are not living at the time of such distribution, the share to which such deceased child would have been entitled, if living, shall be distributed to their children, share and share alike, or the survivors or the survivor, if any there be, otherwise the survivors of my children and Judy Thompson. The said trustee shall have the right to fix the value of any property of the trust estate on any distribution and such value shall be final and binding and conclusive upon all persons interested".

6. That the property so distributed and affected by this decree is as follows:

- a. the sum of \$24,365.71 cash;
- b. A promissory note signed by Howard Cook and Rosalie Cook, his wife, and Jess Cook and Helen Cook, his wife, dated July 18, 1959, in the principal sum of \$52,000.00 payable to the order of Charlene Cook and Howard Cook, executors of the last will and testament of Walter W. Cook, also known as W. W. Cook, deceased, and securing said note a mortgage on certain property a copy of which note and mortgage are attached hereto and made a part of this decree, and which said mortgage was recorded in the office of the County Recorder of Iron County, Utah, on August 24, 1959, in Book Z-3 Pages, 455-6-7-8, records of Iron County, Utah, and also recorded in the office of the County Recorder of Beaver County, Utah, on August 20, 1959, in Book 20, Page 516.
- c. An undivided one-third of all oil, gas and mineral rights as described in said mortgage, recorded as aforesaid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon delivery of the said sum of \$24,365.71, and the note and mortgage herein referred, to, to Tracy-Collins Trust Company, the said executors are entitled to be discharge and exonerated from any and all liability by reason of their future acts.

Dated this 8th day of March, 1960.

WILL L. HOYT  
JUDGE OF THE DISTRICT COURT