

# Dallas County, Texas Probate Cases 1846 – Early 1900's

Case Number 2968

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-FILMED BY DALLAS GENEALOGICAL SOCIETY - 1978

#2968

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THE STATE OF TEXAS, |

COUNTY OF DALLAS. | I, E.D. Malone, of the city and county of Dallas, State of Texas, being of sound and disposing mind and memory, do make and publish this, my last will and testament, hereby revoking all wills by me at any time heretofore made.

First:- I direct that my executrix, hereinafter named, pay out of my estate, all debts that I may owe.

Second:- I hereby bequeath and give to my beloved wife, Mary J. Malone, all of my property and the use, income and management of same, both real, personal and mixed, wherever and whatever it may be, to have and to hold the same for and during her natural life or until she shall marry again.

Third:- I give and bequeath to my children, viz:- Verna Lee Skillern, Daisy C. Malone, Richard T. Malone, Mabel M. Malone, Ralph W. Malone, Emory D. Malone, Jr. and Marvin M. Malone, and their heirs respectively, share and share alike, from and after the death or re-marriage of my said wife, all of my property of every kind and character in fee simple.

Fourth:- In as much as I heretofore gave and assigned to my said daughter, Verna Lee Skillern the following property, to wit:-

1. A one-half (1/2) interest, viz:- \$500.00, in a \$1000.00 Life Insurance Policy issued by the Metropolitan Life Insurance Company of New York.

2. One lot, viz:- lot No. 20 in Block No. 60 of Oak Cliff on the corner of Washington and Twelfth Sts. and of the value of \$600.00.

Making a total of \$1100.00 which is and was an advancement to the said Verna Lee Skillern.

And in as much as I have heretofore given and assigned to my daughter, Daisy C. Malone, the following property, to wit:-

A one-half (1/2) interest, viz:- \$500.00, in a \$1000.00 Life Insurance Policy issued by the Metropolitan Life Insurance

Company of New York, which is and was an advancement of \$500.00 made to the said Daisy C. Malone.

I therefore direct that in the division and distribution of my estate between and among my said children said sum of \$1100.00 and said sum of \$500.00 shall be deducted from the share of my said estate to be received by said Verna Lee Skillern and said Daisy C. Malone, respectively, and they shall receive their respective shares of said estate less said sums to be charged to them.

I further direct that should the net proceeds of said policy of Insurance, from any cause, bring less than its face value, then and in such event the said Verna Lee Skillern and the said Daisy C. Malone shall only be charged for the portion of such net proceeds of said policy actually received by them, and only such amount shall be deducted from their shares of my estate, and any premium my said daughters may pay or cause to be paid on said policy shall be accounted for to them and same shall be a charge against my estate for the amount of said premiums, relative thereto.

Fifth:- I constitute and appoint my wife, said Mary J. Malone, executrix of this my will, and direct that no bond or other security shall be required of her as such. I desire that before my said executrix shall make any investments, sales or transact any other business relative to the management of my estate that she consult and advise with Dr. E.A. Means of Dallas, Texas.

Sixth:- It is my will that no other action shall be had in any court in the administration of my estate than to probate and record this will and return an inventory and appraisement of my estate, together with a list of claims.

Witness my hand this the 25th. day of January, A.D. 1908, in the presence of *E. A. Gardner* and *W. M. Crow* who attest the same in my presence and at my request.

*E. C. Malone*

...to be of legal effect...  
...of the testator...  
...in the presence of each other...

...and in the presence of each other, sign our names here-  
to as attesting witnesses.

The above instrument was now here subscribed by E.D. Malone,  
the testator, in our presence, and we, at his request and in his  
presence, and in the presence of each other, sign our names here-  
to as attesting witnesses.

W.A. Gardner  
W. Morrow

1978

# 4340  
Will of  
E. D. Malone

FILED

APR 10 1900

*[Signature]*

R =  $\frac{2}{454}$

FILED BY DALLAS GENERAL SOCIETY - 1978

THE STATE OF TEXAS

To all Persons Interested in the Estate of E.D. Malone Deceased:  
Mary J. Malone has filed in the County Court of Dallas County, State  
of Texas, an Application for the Probate of the last Will of said E.D. Malone  
deceased, and for Letters Testamentary, which Application will  
be heard and acted upon by said Court, at the next term thereof, to be held at the Court House  
in the City of Dallas, County of Dallas, State aforesaid, and commencing on the First Monday in  
May A. D. 1908, at which time and place all persons interested in said estate  
shall appear and contest said Application should they desire to do so.

WITNESS JACK M. GASTON, County Clerk of Dallas County, Texas.

Given under my hand and seal of said Court, at office in the City  
of Dallas, this 17th day of Apr A. D. 1908

JACK M. GASTON,  
County Clerk, Dallas County, Texas.

By R.H. Lee Deputy.

In Re Estate of E.D. Malone, Deceased. In the county court of Dallas County,  
Texas, in Probate Matters.

I do solemnly swear that the writing which has been offered for  
probate in the last will of E.D. Malone, deceased, so far as I know or  
believe, and that I will well and truly perform all the duties of execu-  
trix of said will of the estate of said E.D. Malone, deceased.

Sworn to and subscribed before me this the 16th day of May, A.D.

1908.

W.C. Donaldson  
Notary Public, Dallas County, Texas.

Original

No. 4340

In the County Court

ESTATE OF

E. D. Malone

Deceased

Notice of Application for Probate of  
Will and Letters

ISSUED

This 17th day of Apr, A. D. 1908

JACK M. GASTON,  
County Clerk

By R. H. Lee Deputy

$R = \frac{4}{26}$

SHERIFF'S RETURN

A. D. 1908, and ex-

came to hand the 17 day of April, A. D. 1908, by posting up three copies

of this writ at three public places in Dallas County, one of which was at the Court House door

of said County, and no two of which were in the same town or city

A. F. Heister  
Sheriff Dallas County

By Hayden Ingg Deputy

$R = \frac{4}{26}$

No. 340  
In Re Estate of  
E. D. Malone and

Deed Exhibit

FILED  
MAY 16 1908  
MAY 16 1908  
MAY 16 1908  
MAY 16 1908

$R = \frac{4}{231}$





In Re Estate of E.D. Malone, Deceased. In the County Court of Dallas County, Texas,  
May Term, A.D. 1908.

This, the 16<sup>th</sup> day of May A.D. 1908, came on to be considered the report of the inventory, appraisement and list of claims of the estate of E.D. Malone, Deceased, made by Mr. Diamond and Mr. Clark, two of the appraisers heretofore appointed by the court to appraise said estate, and the court having examined the same, it is ordered by the court that said report be and it is hereby in all respects approved, and ordered entered of record.

RECORDED  
INDEXED  
MAY 20 1908  
CLERK OF DISTRICT COURT  
DALLAS TEXAS

*Handwritten notes and signatures, including "C. H. ..."*

27-3-0

IN RE ESTATE OF E. D.  
MALONE, DECEASED.

\*\*\*\*\*  
ORDER APPROVING INVENTORY,  
APPRAISMENT AND LIST OF CLAIMS.  
\*\*\*\*\*

O.K.  
H. J. Kively  
Clerk

(K 212)

In the month of July, 1978, the undersigned, Clerk of the Court, has reviewed the Inventory, Appraisal and List of Claims filed in the above captioned case and finds that the same are correct and true and that the same conform to the provisions of the laws of the State of Texas in that behalf relating to the estate of the deceased.

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978

No. 7370

PROOF OF WILL

THE STATE OF TEXAS,

ESTATE OF

County of Dallas ———— E. D. Malone ———— Deceased

Proof of Last Will and Testament of E. D. Malone ———— Deceased

This day personally appeared in open Court W. M. Crow ————

who, being duly sworn as a witness in the above entitled matter, and acting as an agent of the applicant to prove said Will, says: I was well acquainted with E. D. Malone ————

deceased, during his lifetime; I knew the above decedent for about ten years ————

before his death; the signature of the said deceased to the instrument now shown to me, and offered for probate as his last Will and Testament, filed in this Court on the 10th day of April ———— A.D. 1908

and bearing date on the 25th day of January ———— A.D. 1908, was made by the deceased on said last named date at his home in Dallas, in Dallas County, Texas, in presence of myself,

W. M. Crow ———— and C. A. Gardner ————

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 said C. A. Gardner ———— 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 over twenty-one ———— years of age, the said E. D. Malone ———— departed this life on the 28th day of March ———— A.D. 1908

about sixty days ———— after making said Will, in the County of Dallas ———— in the State of Texas, where and at which time his residence and

principal estate was situated. W. M. Crow.

Sworn to and subscribed before me this 15th day of May ———— A.D. 1908, in open court.

Jack M. Gaston Clerk  
County Court Dallas County, Texas.

By R. H. Lee Deputy

No. 4340

# PROOF OF WILL

THE STATE OF TEXAS

County of *Dallas*

Term, 1908

ESTATE OF

*E. D. Malone*  
Deceased

FILED

The *15* day of *May* A.D. 1908

AND RECORDED

The \_\_\_\_\_ day of \_\_\_\_\_ A.D. 190\_\_\_\_\_

in the Probate Minutes of

County \_\_\_\_\_ in Volume \_\_\_\_\_ Page \_\_\_\_\_

*James M. Guston*  
County Clerk

By *A. H. Lee* Deputy

R = *4/26*

WOLFE - 1578

No. 1340.

In Re Estate of E.D. Malone, Deceased. In the County Court of Dallas County, Texas,  
 May Term, A.D. 1908.

On this 15<sup>th</sup> day of May, A.D. 1908, came on to be heard the application of Mary J. Malone, for the probate of the last will and testament of E.D. Malone, Deceased.

And it appearing to the court that due notice has been given of said application in the manner and for the length of time required by law, and it further appearing to the court, from the evidence produced that the testator, E.D. Malone, at the time he executed the instrument purporting to be his last will and testament, was at least twenty-one years of age; that he was of sound mind and that he is now dead, and that said will was executed by the testator with the formalities and solemnities and under the circumstances required by law to make it a valid will, and that said testator has never revoked said will.

And it appearing to the court that the testator died in the city of Dallas, in Dallas County, Texas, where he resided and had his domicile at and prior to the time of his death.

It is therefore considered, ordered, adjudged and decreed by the court that said instrument purporting to be the last will and testament of E.D. Malone, deceased, be and the same is here now admitted to probate as his last will and testament, and the clerk of this court is hereby ordered and directed to record said will, together with the application for its probate and the testimony of the witness W. M. Crow introduced for the purpose of establishing said will.

And it further appearing from said last will and testament that Mary J. Malone is named as the executrix of said will without bond and that the testator provided in his will that no action be taken in the courts further than the probate of his said will and the filing of an inventory, appraisalment and list of claims of his estate; and it also appearing to the court that the said Mary J. Malone is in no wise disqualified from acting as executrix of said will.

It is therefore ordered, adjudged and decreed by the court that letters testamentary issue to the said Mary J. Malone, Executrix, upon her taking the oath required by law as such executrix.

It is further ordered and adjudged by the court that W. A. Diamond, H. E. Turner and W. M. Clark who are shown to be persons disinterested in said estate, and who are resident citizens of Dallas County, Texas, be and they are hereby appointed appraisers of said estate, and are directed to return an inventory and appraisalment of said estate into this court within the time and in the manner required by law, and that upon the return of such inventory and appraisalment and list of claims of this estate into this court, and the payment of the costs of court said estate be dropped from the docket of this court and closed.

No. 4340

IN THE ESTATE OF F. D. MALONE, DECEASED.

ORDER PROBATING WILL AND GRANTING LETTERS TESTAMENTARY

OK

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978

Faded text, likely the beginning of a court order or legal document.

Main body of faded text, containing the court's findings and order.

Additional faded text, possibly a signature block or concluding remarks.

210

No. 240.

IN RE ESTATE OF E. D. MALONE, † IN THE COUNTY COURT OF  
DECEASED. † DALLAS COUNTY, TEXAS.

\*\*\*\*\*

Inventory and appraisement of the estate of E.D. Malone, deceased, produced before the undersigned appraisers, on the 16th. day of May, A.D. 1908, by Mrs. Mary J. Malone, Executrix of the estate of the said E.D. Malone, Deceased.

SEPARATE PROPERTY OF THE SAID E.D. MALONE, DECEASED.

N O N E .

COMMUNITY PROPERTY OF THE SAID E.D. MALONE, DECEASED,

WITH MRS. MARY J. MALONE, HIS SURVIVING WIFE AND EXECUTRIX OF HIS WILL.

Lot No. 12 in Block No. 113 in Oak Cliff, Dallas, in Dallas County, Texas, together with the improvements thereon, being No. 35, 12th. St. in said city, - - - - \$ 1250.00

~~Lot~~ Lot No. 347 in Block No. 107 in Oak Cliff, Dallas, in Dallas County, Texas, together with the improvements thereon, being No. 49, Jefferson St. in said city, - - - - - 5000.00

200 shares of capital stock, @ \$25.00 per share in J.C. McMillan Hardware Company, of Madill, Oklahoma, ~~of~~ - 5000.00

30 shares of capital stock, @ \$100.00 per share, Beall Hardware & Implement Company, of Greenville, Texas, ~~of~~ - 3000.00

30 shares of capital stock, @ \$100.00 per share in Pakes Furniture & Carpet Company, of Dallas, Texas, ~~of~~ - 5000.00

\$ 19250.00

\*\*\*\*\*

We, the undersigned appraisers, solemnly swear that the foregoing in a full and fair appraisement of the estate of E. D. Malone, Deceased, produced before us by Mrs. Mary J. Malone, Executrix.

W. L. Diamond  
R. M. Clark

Sworn to and subscribed before me this the 16th. day of May, A. D. 1908.

C. O. Donaldson

Notary Public, Dallas County, Texas.



LIST OF CLAIMS OF SAID E.D.MALONE, DECEASED; COMMUNITY PROPERTY WITH MRS. MARY J. MALONE, HIS SURVIVING WIFE AND EXECUTRIX OF HIS WILL.

One note dated July 27th., 1907, due Nov. 15th. 1907, for \$1120.00 with 8% interest per annum from date, executed by Bert Beall, -----	\$ 1120.00
One note dated Nov. 25th., 1907, due six months after date, for \$70.00 with 8% interest per annum from March 25th., 1908, executed by Evans & Evans, -----	70.00
One note dated June 14th., 1907, due twelve months after date, for \$444.43 with 8% interest per annum from Dec. 14th., 1907, executed by Prazar & Oheim, -----	444.43
One note dated Sept. 28th., 1907, due Dec. 30th., 1907, for \$435.00 with 8% interest per annum from maturity, executed by J.W.Griffis, -----	435.00
Six notes dated June 20th., 1907, due Jan. 1st., 1909, 1910, 1911, 1912, 1913 and 1914, respectively, after date, the first five for \$200.00 each and the last for \$250.00, with 8% interest per annum from Jan. 1st., 1909, secured by Vendor's Lien and Deed of Trust Lien on lot 20 block 60 Oak Cliff, Dallas County, Texas, executed by E.Arthur and Verna L. Skillern, --	1250.00
Seven notes dated Nov. 26th., 1906, due as follows: the first five thereof due on or before the 1st. day of June, July, August, Sept. and Oct., respectively, 1908, and are each for the sum of \$25.00; the last two of said notes due on Dec. 1st. 1909 and 1910, respectively, and are each for the sum of \$300.00, and all of said notes bear interest at 8% per annum from Dec. 1st., 1906, executed by J.D.Potter, and are secured by a Vendor's Lien and Deed of Trust Lien on 50 x 100 ft. off the west side of lot 12 block 114 Oak Cliff, Dallas County, Texas, -----	725.00
	\$ 4044.43

\*\*\*\*\*

I, Mary J. Malone, do solemnly swear that the foregoing inventory and list is a full and complete inventory and list of the property and claims of E. D. Malone, deceased, that has come to my knowledge.

Mary J. Malone

Sworn to and subscribed before me this the 16th. day of May, A.D. 1908.

C. B. Donaldson

Notary Public, Dallas County, Texas.

No. 1520

No. 1920

Last Will & Testament of  
E. O. Malone, decd.

Inventory of Appraisement  
and List of Claims

FILED

MAY 26 1908

FILED  
MAY 26 1908

May 16. 08.

Examined  
and approved  
Hiram B. Shively  
Co. Judge

Q =  $\frac{7}{366}$