

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

Case Number 2452

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#2452

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

THE STATE OF TEXAS,
 Dallas County.
 TO THE HONORABLE THE JUDGE OF THE COUNTY COURT OF SAID COUNTY, GREETING:

~~*~*~*~*~*

These petitioner, J. C. Weaver, Mrs. Sallie E. Weaver (Nee Smyrk) and Miss Emma B. Smyrk, being the sole heirs at law of Alfred E. Smyrk, late of said county, deceased, respectfully ~~show~~ show unto your Honor:

1. That Alfred E. Smyrk died in the city and county of Dallas, on towit: the 7th day of April, A.D., 1903.
2. That said decedent left an estate of about the value of Eight Hundred Dollars, said estate being in personal property in the form of a life insurance policy, and that the whole of said estate in such personalty is now situated in Dallas County, Texas, where deceased resided at the time of his death.
3. That there is a necessity for the issuance of temporary letters of administration upon the estate of said Alfred E. Smyrk, deceased, for that said deceased left no known estate save and except said life insurance policy which is payable only to his administrators or assigns, and the same ~~has~~ has never been assigned to any person, and said insurance policy cannot be collected for the benefit of the legal heirs of said decedent without such administration. Further, that said insurance money should be collected for the purpose of defraying the funeral expenses of said deceased, and the expenses of his last illness. That said expenses are ~~now~~ now due, or they will be come due before the regular probate term of this Court, and there are no other assets of said estate with which to pay them.
4. That petitioners Sallie E. Weaver and Emma B. ~~Smyrk~~ (a feme sole) are the daughters of said deceased, and they are his only surviving heirs and that petitioner Sallie E. Weaver is the wife of petitioner J. C. Weaver and that all these petitioners are resident citizens of Dallas County, Texas.
5. That decedent Alfred E. Smyrk left no will.
6. That petitioner J. C. Weaver is a suitable person to act ad tem-

porary administrator of the estate of the said deceased, and the petitioners Sallie N. Weaver and Emma B. Smyrk waive heir rights to such administration in favor of said J. C. Weaver.

Wherefore petitioners pray:

That J. C. Weaver may be new appointed as temporary administrator of the estate of said Alfred E. Smyrk, deceased, for the purpose of collecting in said policy of insurance, and for the purpose of paying the necessary funeral expenses of said deceased, and the expenses of the last illness of said deceased, from the proceeds of said insurance policy.

And petitioners will ever pray.

W. C. Gumbrell

Attorney for Petitioners.

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THE STATE OF TEXAS,)
Dallas County. }

Above named petitioners Sallie N. Weaver and Emma B. Smyrk, do hereby waive and renounce in favor of petitioner J.C. Weaver, their rights of prior appointment as administratrix, as the next of kin of the late Alfred E. Smyrk deceased, and they hereby ratify the above and foregoing petition and by these presents do constitute J. C. Weaver as their true and lawful agent and attorney in fact to apply for and receive said appointment as temporary administrator, and to act in such capacity, and to file this their waiver of their several rights to such appointment and to letters of administration upon said estate.

Executed at Dallas, Texas this 2nd day of April, 1903.

American Bonding Company of Baltimore

April 24th 1903
Examined and approved
E. B. Henderson
Esq.

•••••

W. B. Adams
(Here copy the
Oath preceding)

251

porary administrator of the estate of the said deceased, and the petitioners Sallie E. Weaver and Emma B. Smyrk waive heir rights to such administration in favor of said J. C. Weaver.

Wherefore petitioners pray:

That J. C. Weaver may be now appointed as temporary administrator of the estate of said Alfred E. Smyrk, deceased, for the purpose of collecting in said policy of insurance, and for the purpose of paying the necessary funeral expenses of said deceased, and the expenses of the last illness of said deceased, from the proceeds of said insurance policy.

And petitioners will ever pray.

R. C. Shubert

Attorney for Petitioners.

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THE STATE OF TEXAS, }
Dallas County. }

Above named petitioners Sallie E. Weaver and Emma B. Smyrk, do hereby waive and renounce in favor of petitioner J.C. Weaver, their rights of prior appointment as administratrix, as the next of kin of the late Alfred E. Smyrk deceased, and they hereby ratify the above and foregoing petition and by these presents do constitute J. C. Weaver as their true and lawful agent and attorney in fact to apply for and receive said appointment as temporary administrator, and to act in such capacity, and to file this their waiver of their several rights to such appointment and to letters of administration upon said estate.

Executed at Dallas, Texas this 27 day of April, 1903.

A Person before us appeared Mrs Sallie E. Weaver and Mrs Emma B. Smyrk known to us to be the persons who executed the foregoing instrument and they acknowledged to us that they executed the same for the purposes and in the manner therein expressed. In witness whereof my hand and official seal this 27 day of April, 1903.
R. C. Shubert
Dallas, Co. Texas.

Sallie E. Weaver
Emma B. Smyrk

Next of kin to Alfred E. Smyrk,
late of Dallas County, dec'd.

•••••

THE STATE OF TEXAS }
Dallas County. }

I, J. C. Weaver, do solemnly swear that Alfred E. Smyrk, deceased, died without leaving any lawful will, so far as I know

... STATE ...
... IN ... OF ... C. ...
... E. ... AND ... B. ...
... OF THE ... AND THE ...

or believe, and that I will well and truly perform the duties of temporary administrator of the estate of the said Alfred E. Smyrk, deceased, in accordance with law, and with the order of the Court appointing me as such administrator.

J. C. Weaver

Sworn to and subscribed before me
this 22nd day of April, A.D., 1903.

C. C. Gambrell
Notary Public Dallas County, Texas.

•••••

BOND.

THE STATE OF TEXAS, }
Dallas County. } KNOW ALL MEN BY THESE PRESENTS, That we, J. C.

Weaver, as Principal, and American Bonding Company of Baltimore
as Securities, are held and firmly bound unto the County Judge of the
County of Dallas, said State, and his successors in office, in the sum of
One Thousand Dollars; Conditioned that the above bound
J. C. Weaver, who has been appointed as the temporary administrator of the
estate of Alfred E. Smyrk, late of said County Deceased, shall well and
truly perform all of the duties required of him under the said appointment

J. C. Weaver
Not. Secy.

J. C. Weaver
By *E. G. ...* his Atty.
American Bonding Company of Baltimore

April 24 1903
Examined and approved
E. G. ...
copy
251

•••••
J. C. Weaver
(Here copy the
Oath preceding)

.....

first before any of the duties required of him under the said appointment
estate of Alfred E. Smyth, late of said County deceased, shall well and
J. C. Newell, who has been appointed as the temporary administrator of the
County of Dallas, said State, and his successors in office, in the sum of
as provided, or as here and there may be provided by the County Judge of the
Newell, as Principal, and

Dallas County, TEXAS, KNOW ALL MEN BY THESE PRESENTS, that we, J. C.

3412
Estate of
Alfred E. Smyth
Deeds

Application - Name,
Bond & Oath

APR 24 1933
J. C. Newell
County

{ Paid - 2/604 }
{ Bond Record }

compliance with law, and with the order of the Court appointing me as such
administrator of the estate of the said Alfred E. Smyth, deceased, in ac-
cordance with law, and that I will well and truly perform the duties of temporary

403412

In the County Court of Dallas
Co Texas.

Estate of
Alfred E Smyrk, Decd

Application for Temporary
Letters of
Administration

FILED

APR 24 1903

ALFRED E. SMYRK
COURT

April 24, 1903

Examined and Approved

E. J. Henderson
Co. Judge

Wm C. Merrill

Received by me Miss Weaver 8/3/07

In re
Estate of Alfred E. Smyrk, Deceased,
J. C. Weaver, Administrator.

In County Court of Dallas County,
Texas.

FOR THE RECORD AND FOR THE RECORD OF THE COURT OF SAID COUNTY, CHECKING:

5555555555

Now comes J. C. Weaver, Temporary Administrator of the estate of Alfred E. Smyrk, late of said County, Deceased, and shows the Court:

1. That in pursuance of the order of this Court granted on the 25th day of April, 1903, Petitioner duly qualified as Temporary Administrator of said estate, and in further obedience to said order, Petitioner collected the proceeds of a certain life insurance policy belonging to said estate, in the sum of \$786.96, which was the full value and proceeds of said policy.

2. Petitioner further shows that said sum of \$786.96 is the only property of said estate that has come into his hands, and that there are no other properties of any kind belonging to said estate.

3. Petitioner further shows that he has paid out in obedience to the order of the Court, the funeral expenses of said Alfred E. Smyrk, as follows: Undertaker's bill \$284.00; Funeral and Cemetery expenses at Baltimore, Maryland, \$87.40; Grave Stone \$135.00; Total \$506.40.

4. Petitioner further shows there are no other debts due by said estate, and that Sallie M. Weaver, formerly Sallie E. Smyrk, and Emma M. Smyrk are the sole heirs at law of said Alfred E. Smyrk, Deceased, and that as such heirs at law they are entitled to the remaining proceeds of said estate.

5. That there being no further necessity for Administration upon said estate, it is for the best interests of said heirs at law that the remainder of said funds, \$280.00, be paid over to them.

WHEREFORE, Petitioner prays that the Court will grant an order, authorizing him to pay over the funds in his hands to Sallie M. Weaver and Emma M. Smyrk, the parties entitled thereto, after the payment of the costs of Administration, and that upon his so doing and filing with the Clerk

2.

of the County Court of Dallas County, a receipt in full from said heirs at law, that he may be discharged from said trust.

And as so., so., will ever pray.

E. C. Gambrell
Petitioner's Attorney.

THE STATE OF TEXAS,

Dallas County.

In person before me, the undersigned authority, on this day appeared J. C. Weaver, Administrator of the estate of Alfred E. Smyrk, Deceased, and being duly sworn, deposes and says that the facts alleged in the foregoing Petition are true.

Sworn to and subscribed, before me this 5 day of July, A. D. 1925.

J. C. Weaver
R. C. [unclear]

Notary Public Dallas County, Texas.



... of the ... of ...

ORDER.

In re Application of J. C. Weaver for final Discharge.
Estate of Alfred E. Smyrk.

The foregoing Petition and list of J. C. Weaver, Temporary Administrator of the estate of Alfred E. Smyrk, late of said County, Deceased, coming on to be heard, and it appearing to the Court that said Petition is true, and that there are no other properties or assets of said estate than said sum of \$785.96; and it further appearing that said Administrator has collected said sum as the proceeds of a certain policy of life insurance mentioned in the Petition; and it further appearing that in accordance with the order of this Court granted herein on the 25th day of April, 1903, said Administrator has paid off and discharged the Funeral and Burial expenses of said Deceased; and it further appearing that there are no other debts due or owing by said estate, and that Sallie M. Weaver and Emma B. Smyrk are the sole heirs at law of said Alfred E. Smyrk, Deceased, and as such sole heirs at law are entitled to receive the rest and residue of the funds of said estate, after paying the debts and costs of Administration; It is,

ORDERED BY THE COURT that J. C. Weaver, Administrator of said estate, is hereby authorized and required to pay over to the said Sallie M. Weaver and Emma B. Smyrk the funds remaining in his hands, as such Administrator, after the payment of the costs of this proceeding, to be taxed by the Clerk of this Court.

ORDERED further that upon the payment of the costs of this proceeding and upon the payment to said heirs at law of the rest and residue of the funds of said estate, and upon filing with the Clerk of this Court, a full receipt from said heirs at law showing the payment to them of said balance as heretofore ordered, that the said J. C. Weaver be fully discharged as Temporary Administrator of said estate.

In open Court, This 8 day of July, A. D. 1903.

J. C. Weaver
County Judge.

3412

Estate of
Alfred E. Sawyer

In re
List of J. C. Weaver
Temporary Admin
Petition for Discharge

FILED

JUL 8 - 1903

FRANK P. SAWYER, Clerk
By *W. H. [Signature]* DEPUTY

July 8th 1903
Examined and
Approved
E. J. Landwehr
J. 389

RECORDED J. 389
E. C. Gaudin

In re J. C. WEAVER, Administrator, Estate of FRED E. SMYRK, Deceased,
 in the County Court of Dallas, County, Texas.

We, Sallie E. Weaver, formerly Sallie E. Smyrk, and Emma B. Smyrk, the sole heirs at law of Alfred E. Smyrk, hereby acknowledge receipt of *Two hundred Eighty Four* ^{4/100} ~~(208.00)~~ ^(284.00) Dollars in full and final settlement with J. C. Weaver, Administrator, on account of said estate.

And by this receipt and voucher we hereby join in the request of J. C. Weaver, Administrator, whenever such request shall be made, for full and final discharge as such Administrator, and from all other and further liability on account of said administration; the trusts on him imposed having been fully and finally executed.

Witness our hands at Dallas, Texas, this the 10th day of

July A. D. 1903.

Sallie E. Weaver

Emma B. Smyrk

No 3412.

In re
Estate of
Alfred E. Smyth
Decd.

Final receipt of heirs
at Law.

Mrs. Bessie C. Weaver
and
Miss Emma A. Smyth,

FILED

JUL 8 1903

FRANK R. SHANKS,
CLERK COUNTY COURT.

By *R. F. Cullom*
DEPUTY.

E. C. Gambrell
att'y.