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RUSSELL T. QUINLAN
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July 30, 1981

Mrs. Mary Theresa Penger
135 Highland Avenue
Hamburg, New York 14075

Re: Estate of William H. McShane

Dear Mrs. Penger:

Please find enclosed copies of the Last Will and Testament of your father. I am endeavoring to complete the accounting at the present time. I hope to have the satisfactory answers to your questions shortly.

If you have any questions, please do not hesitate to call me. Thank you for your courtesy and cooperation in this matter.

Sincerely yours,

PAUL W. BELTZ, P.C.

Kevin J. Sullivan
Kevin J. Sullivan

KJS/jme
Enc 1.

LAST WILL AND TESTAMENT

of

WILLIAM H. McSHANE

I, WILLIAM H. McSHANE, of the Town of Hamburg, New York, do make, publish and declare this to be my Last Will and Testament hereby revoking all prior Wills and Codicils made by me.

FIRST: I direct that all of my just debts, funeral expenses, the expenses of my last illness, and all administration expenses shall be paid from my estate.

SECOND: I give all of my tangible personal property to my wife, ADELAIDE KERRIGAN McSHANE; or if she does not survive me, to my son, ROBERT PRICE McSHANE; or if he does not survive me, to my son, WILLIAM H. McSHANE, JR.; or if he does not survive me, to my son, HENRY R. McSHANE. Without in any way limiting the above bequest, it is my wish that the legatee divide and distribute my tangible personal property in accordance with a letter which I shall leave for that purpose.

THIRD: All the rest, residue and remainder of my property, real and personal, wherever situated, (herein called my residuary estate), shall be divided into as many

equal shares as shall be necessary to satisfy such of the following gifts as shall not lapse, and I give such equal shares as follows:

A. I give one equal share to my wife, ADELAIDE KERRIGAN McSHANE, if she survives me.

B. I give one equal share to my son, ROBERT PRICE McSHANE; or if he does not survive me, to his widow; or if he leaves no widow surviving me, to his descendants who survive me, per stirpes.

C. I give one equal share to my son, WILLIAM H. McSHANE, JR.; or if he does not survive me, to his widow; or if he leaves no widow surviving me, to his descendants who survive me, per stirpes.

D. I give one equal share to my son, HENRY R. McSHANE; or if he does not survive me, to his widow; or if he leaves no widow surviving me, to his descendants who survive me, per stirpes.

E. I give one equal share to my daughter, MARY THERESA PENDER; or if she does not survive me, to her widower; or if she leaves no widower surviving me, to her descendants who survive me, per stirpes.

F. Notwithstanding anything herein to the contrary, if my wife survives me and if the total value (as finally determined for federal estate tax purposes) of the assets passing to herin accordance with this Article is less than Fifty Thousand Dollars (\$50,000), then her share of my residuary estate shall be increased to Fifty Thousand Dollars

(\$50,000) and the other shares passing under this Article shall be proportionately reduced to the extent necessary to make the gift to my wife equal said amount.

FOURTH: Whenever, under this Will, any property vests in a minor, my Executor may establish a power in trust for the benefit of the minor, may exercise in respect of such property and the income thereof all powers conferred by this Will on my Executor (and all powers conferred by law on executors), and may, without authorization of any court, hold such property until the minor attains the age of twenty-one (21) upon the following terms:

A. My Executor may use as much of such property, and the income thereof, as may be determined in the discretion of my Executor, for the health, support, maintenance, comfort, welfare or education of the minor. Any income not so used shall be accumulated and added at least annually to principal.

B. In considering the exercise of the above discretionary power, my Executor shall take into account the minor's other income but shall not be required to take into account (although at liberty to do so) the minor's capital resources, the availability of any other fund for the same purpose, or the duty of anyone to furnish support for the minor.

C. My Executor may apply any part or all of such property, or the income thereof, for the benefit of the minor, or pay or deliver the same to the minor or to a guardian or parent of the minor or to a person with whom the minor

resides, as may be determined in the discretion of my Executor.

D. My Executor shall distribute the remaining property to the minor when he or she attains the age of twenty-one (21), or to the estate of the minor upon his or her death prior to such age.

FIFTH: In addition to the powers conferred by law, my Executor shall have complete discretion to exercise each of the following powers with respect to the property at any time held under this Will, and I specifically direct that each power may be exercised without authorization from any court and regardless of any statute or rule of law which would otherwise restrict or prohibit the exercise of such power, it being my intent that such powers be construed in the broadest possible manner:

A. To retain any property, real or personal, and to invest and reinvest in any property, real or personal, all as my Executor may determine, whether or not the same be of the kind commonly regarded by law as proper investments for trust funds, and without regard to any requirement for diversification;

B. To sell, grant options with respect to or dispose of any property, real or personal, for cash or on credit, with or without security, upon such terms as my Executor may determine, or to abandon any property;

C. To lease any property, real or personal, for any period, upon such terms (including options for renewal) as my Executor may determine, and to improve or take any other action with respect to real property;

Executor, then I appoint my son, HENRY R. McSHANE, to be the substitute Executor hereof.

B. No bond or other security shall be required of any of my sons for the faithful performance of his duties as such Executor in any jurisdiction.

C. The term "Executor," wherever used herein, shall be construed to refer to the Executor herein named, to all substitute Executors and to all Administrators with the Will annexed.

IN WITNESS WHEREOF, I have duly executed this Will
this / day of April, 1969.

s/ William H. Mc Shane

The foregoing written instrument was, on the day of the date thereof, signed, published and declared by the testator therein named as and for his Last Will and Testament in the presence of us and of each of us, who, thereupon, at his request, in his presence and in the presence of each other, have subscribed our names as witnesses thereto.

s/ Gene M. Simon residing at 9 Wayne Terrace
Chicktown, N.Y.

s/ David A. Surber residing at 255 Lamark Dr.
Lynden, N.Y.

s/ David C. Berg residing at 3968 Boker Rd.
Orchard Park, N.Y.

- ✓ Repousse card tray- Bobbie
- Dresden chocolate set-Bobbie
- Dresden dinner plates-divide between Bill and Hank
- ✓ Cherub dessert plates and sauce dishes-Mollie
- Haviland blue violet dessert plates-Hank
- All loop goblets-Bill
- divide goblets and wines-Bob, Mollie, and Henry <
- P for Price tray-Bobbie
- Castor set-Henry
- ✓ Silver Tiffany bowl-Henry y
- ✓ Silverplate grape dish-came from Aunt Mattie-Henry
- ✓ Repousse pitcher-given to Mollie on eighth birthday by Grannie
- ✓ Tea and coffee pot, waste bowl-EPMcS's-Mollie
- Revere creamer-Bob
- ✓ Gravy boat and tray-repousse-Henry
- ✓ Silver tray from Randolph-Henry given
- ✓ EPMcS's butter dish-Mollie given
- ✓ EPMcS's nut dishes-Mollie
- ✓ Repousse butter dish-Bob
- ✓ Repousse tea pot on standard-Bill
- ✓ Repousse coffee pot-Bill *repousse silver tray Bill*
- ✓ Repousse creamer and sugar-Bill
- ✓ Small repousse pitcher and tea caddy-Mollie
- ✓ Salt and pepper-Bob
- ✓ ~~Carrol salt~~ and pepper-Mollie
- Breakfront-Henry
- Hocotia bowl-Bob
- Grandfather banquet table-main section-Bob
- ✓ Repousse punch bowl-given Mollie for wedding gift-Mollie given
- ✓ Ladle in punch bowl-Mollie given
- China punch bowl-Henry
- ✓ Breaden tea set and cups and saucers-Mollie
- ✓ Repousse three tier candle sticks-Bill
- ✓ 4 Repousse candle sticks-Bob
- ✓ Silver flatware-split *one chair in relation*
- Diningroom chairs-Bobbie
- Mirror in diningroom-Mollie
- Mirror over fireplace-Bill given *given to Henry*
- Andirons from Bell foundry-Bob
- ✓ Pair of green lamps on bookcase-Mollie
- Pewter measuring cup, pewter tea, coffee set-Henry
- Gaudy sugar bowl-Mollie
- Drape lamps throughout house-Mollie
- Cherry end table-Billy
- Two Sheraton chairs-Mollie
- Maple end table-Henry
- Cornelius Lamp-Henry
- Tiger maple end table-Bob
- Webb lamp-Bill
- Cherry table at telephone-Henry
- Sandwich whale oil lamp-Mollie
- Kittenger sofa-Bob
- Victorian settee-Mollie
- Victorian matching ladies and gentleman chairs-Mollie
- Indian candlelabras-Mollie
- Irish Bellek-divide
- Canton chine-divide between Mort and Hank
- ✓ Rhine wines-Mollie
- ✓ Divide one a piece sniffers

- Cherry corner cupboard-Mollie
 - Table-end of banquet table-Bill
 - French lamp-pink-Bobbie
 - Hepplewhite desk-Mollie
 - Rocking chair-Bill
 - Gentleman's chair-Bill } French
 - Gentleman's chair-Bill }
 - Student lamp-Bill
 - Pheasant mirror-Henry ^{given}
 - ✓ Silver decanters with "F"-Mollie ^{given}
 - Waterford bowl-Mollie
 - Loop compote-Bill
 - Three face compote-Bob
 - Glass sugar bowls, cream and sugar set, two glass pitchers in livingroom-divide
 - Brass candlesticks from Bell Foundry-Mollie
 - Mantel clock-marble-Henry
 - Bell from Bell Foundry-Billy ^{given}
 - Bell from Bell Foundry-little Sam-Bob ^{given}
 - Chimes representing thirteen states-Henry ^{given to Bob can't find Liberty Bell}
 - ✓ Cherry cradle-Henry ^{given}
 - ✓ Henry's silver framed picture-Henry
 - Sheraton chest of drawers in front hall-Mollie
 - Grandfather clock-Bill
 - French Victorian mirror in front hall-signed-Mollie
 - Pear shaped lamp-Bill
 - All salts and cupplates to be divided between Mollie and Bobbie
 - Lionfoot chest of drawers-Mollie from Grannie
 - Pot'd chame in my room-Mollie from Grannie
 - Trunk in front hall-Bill ^{made at foundry}
 - Washington clock in den-Bob
 - Highboy-Hank
 - Front bedroom furniture-Henry
 - My bed-Bill
 - Dressing table in mother's room with silver and jewelry-Mollie
 - ✓ Dad's silver brushes-Bill
 - Haviland above kitchen sink-Henry
 - ✓ Carrol meat tray silver-Mollie
 - Rugs to stay with house
 - Four Adams chairs-Bob
 - Large Kirk's tray - ^{given to Bob}
- Before any of the above items are sold at any time, all other living members of the immediate family are to have the first opportunity to purchase.

Children. This is how your mother & myself thought was the fairest way to divide our possessions. We did this in February or March, 1964 well before her death. She was so so tired and I couldn't see it. Please abide by our wishes

Bob Michener 7/13/64.

MRS. WILLIAM H. McSHANE

102 MAPLE AVENUE

HAMBURG, NEW YORK

I want all my personal effects
such as jewelry, furs, etc. to go to
Mollie. Army gave the four-poster bed,
the bureau in my room to Mollie too.

The Repulse' flat silver to be
divided - I would like Bill Jr to have
a six piece setting if you ^{can} arrange it,
Mollie is to have my silver
jewel box.

Letter
Found in
Charles Rayburn
McShane's night
stand following
her death June 1964.
She died June 23 at
Our Lady of Victory
Hospital