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AFFIDAVIT OF HEIRSHIP



Doc#: 1506316023 Fee: \$84.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 03/04/2015 11:58 AM Pg: 1 of 8

ESTATE OF:)
)
DIANE SMITH)
)
DECEASED)

FLOYD D. SMITH on oath states:

1. The Decedent, **DIANE SMITH** died at Chicago, IL on October 31, 2001 at the age of 63 years.
2. I am of legal age and I am the surviving spouse of the Decedent.
3. The Decedent was married only once to **FLOYD D. SMITH**. The couple never adopted any children and the Decedent bore the following five (5) children, namely:
 1. Laura (Smith) Urbana, Adult, who survived the Decedent
 2. Floyd D. Smith, Jr., Adult, who survived the Decedent
 3. David T. Smith, Adult, who survived the Decedent
 4. Janet L. Smith, Adult, who survived the Decedent
 5. Sherri L. (Smith) Brom, Adult, who survived the Decedent

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Based on the foregoing, the Decedent left surviving as her only heirs, all of who survived the Decedent and, in the absence of any indication to the contrary, are of legal age and are mentally competent, namely:

<u>NAME</u>	<u>RELATIONSHIP</u>
FLOYD D. SMITH	Surviving Spouse
LAURA (SMITH) URBANA	Daughter
FLOYD D. SMITH, JR.	Son
DAVID T. SMITH	Son
JANET L. SMITH	Daughter
SHERRI L. SMITH-BROM	Daughter

Further, Affiant sayeth not.

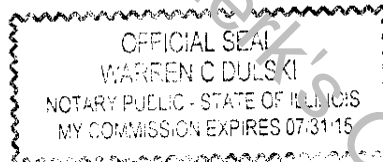
Floyd D. Smith

 FLOYD D. SMITH

SUBSCRIBED AND SWORN TO BEFORE ME
this 11th day of February, 2015.

Warren C. Dulski

 NOTARY PUBLIC



WARREN C. DULSKI, Attorney at Law
 4108 North Cicero Avenue
 Chicago, Illinois 60641-2065
 (773) 777-9559
 Attorney #24373

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STATE OF ILLINOIS)
County of Cook)

DAVID ORR, County Clerk

February 9, 2015

I, David Orr, County Clerk of the County of Cook, in the State aforesaid, and Keeper of the Records and files of said County do hereby certify that the attached is the true and correct copy of the original Record on file, all of which appears from the records and files in my office. IN WITNESS THEREOF, I have hereunto set my hand and affixed the Seal of the County of Cook, at my office in the City of Chicago, in said County.

David Orr
County Clerk

<input checked="" type="checkbox"/> PERMANENT CERTIFICATE	REGISTRATION DISTRICT NO. 541-10-01	MEDICAL EXAMINER'S - CORONER'S CERTIFICATE OF DEATH		617313
<input type="checkbox"/> TEMPORARY CERTIFICATE	REGISTERED NUMBER 188			
DECEASED NAME: 1. DIANE SMITH SEX: Female DATE OF BIRTH (MONTH DAY YEAR): 10-31-01				
CITY OF DEATH: COOK AGE - LAST BIRTHDAY (MO DAY YEAR): 63 DATE OF DEATH (MONTH DAY YEAR): February 17, 1938				
CITY, TOWN, VILL OR ROAD/DISTRICT NUMBER: Chicago HOSPITAL OR OTHER INSTITUTION (NAME AND ADDRESS): Northwestern Memorial Hospital IF DECEASED INDICATED BY THIS ENTRY AND NOT OTHERWISE INDICATED BY THIS ENTRY: Inpatient				
DECEASED: A. Chicago, IL B. Married C. Floyd Smith D. Homemaker E. Own Home F. 10 G. Yes H. COOK				
I. 4704 W. Wrightwood J. Chicago K. IL L. 60618 M. White N. X O. YES P. August Q. Part R. Laura S. Henke				
T. Floyd Smith U. Husband V. 4704 E. Wrightwood, Chicago IL				
W. Subdural Hematoma X. Fall				
Y. Valvular heart disease and diabetes mellitus Z. NO				
AA. Accident AB. 9-30-01 AC. MA AD. 2-11				
AE. NO AF. Kenzie Center AG. Chicago, IL AH. YES AI. NO				
AJ. 10-31-01 AK. 7:45P				
AL. G. J. Domingue, M.D. AM. TAE LYONG AN, M.D.				
AN. Burial AO. Chapel Hill Gardens AP. Oakbrook Terrace, IL AQ. Nov. 5, 2001				
AR. Chapel Hill Gardens West Funeral Home AS. Oakbrook Terrace IL 60181				
AT. David Culyat AU. 034-010876				
AV. John C. ... AW. NOV 04 2011				

THE WORD VOID APPEARS WHEN PHOTOCOPIED

NOT BE POSSIBLE STATE AND COUNTY SEALS A BOTTOM



This is to certify that this is a true and correct copy from the official death record filed with the Illinois Department of Public Health.

David Orr
David Orr
Cook County Clerk



ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

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2643 Affidavit – Copy of Will

(Rev. 09/06/13) CCP 0317

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, PROBATE DIVISION

ESTATE OF)
)
DIANE SMITH)
)
Deceased)

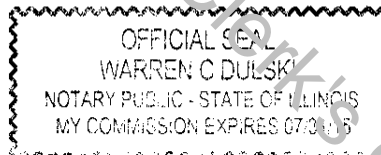
COPY OF WILL

The undersigned states under penalties of perjury that the attached facsimile is a copy of the will filed with the Clerk of the Circuit Court, County Department, Probate Division on February 13, 2015.

Floyd D. Smith
Floyd D. Smith

Signed before me this 13th day of
February, 2015.

Warren C. Dulski
NOTARY PUBLIC



Atty. No.: 24373
Atty. Name: WARREN C. DULSKI
Address: 4108 N. Cicero Avenue
City/Zip: Chicago, IL 60641-2065
Telephone: (773) 777-9559

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

UNOFFICIAL COPY**LAST WILL AND TESTAMENT**

OF

DIANE SMITH

I, DIANE SMITH, a resident of Illinois, declare this to be my Will and I revoke all other Wills and Codicils that I may have made.

ARTICLE I

The expenses of my last illness, my funeral and the administration of my estate wherever situated, and all inheritance, estate or succession taxes, including interest and penalties, payable by reason of my death, shall be paid out of and charged generally against the principal of my residuary estate without apportionment or proration. My executor shall not seek contribution or reimbursement for taxes payable by reason of property over which I have power of appointment.

ARTICLE II

I give all my personal and household effects not otherwise effectively disposed of such as automobiles, jewelry, clothing, furniture, furnishings, silver, books and pictures, including policies of insurance, pension benefits, stocks and bonds, to my husband, FLOYD D. SMITH, if he survives me for thirty (30) days, or if he does not so survive me, then my estate shall be divided as follows:

- 20% to JANET L. SMITH, my daughter
- 10% to LAURA J. URBANA, my daughter
- 15% to SHERRI L. TRIPHAHN, my daughter
- 10% to DAVID T. SMITH, my son
- 10% to FLOYD D. SMITH, JR., my son
- 5% to ZACHARY TRIPHAHN, my grandson
- 5% to DAVID M. SMITH, my grandson
- 5% to NICOLE A. SMITH, my granddaughter
- 5% to FLOYD D. SMITH, III my grandson
- 5% to ERIC W. SMITH, my grandson
- 3 1/3% to NICHOLAS J. URBANA, my grandson
- 3 1/3% to MATTHEW S. URBANA, my grandson
- 3 1/3% to ALICIA L. URBANA, my granddaughter

It is my wish that the vacant lot next to my residence that I own in Chicago go to my daughter, JANET L. SMITH

It is my wish that the two (2) lots that I own in Long Beach, North Carolina be divided as follows:

- 20% to JANET L. SMITH, my daughter
- 20% to LAURA J. URBANA, my daughter
- 20% to SHERRI L. TRIPHAHN, my daughter
- 20% to DAVID T. SMITH, my son
- 20% to FLOYD D. SMITH, JR., my son

D.S.

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ARTICLE III

I give all my residuary estate, being all real and personal property, wherever situated, in which I may have any interest at the time of my death not otherwise effectively disposed of, but not including any property which I have power of appointment to my husband, **FLOYD D. SMITH**, if he survives me for thirty (30) days, or if he does not so survive me, then as follows:

- 20% to **JANET L. SMITH**, my daughter
- 10% to **LAURA J. URBANA**, my daughter
- 15% to **SHERRI L. TRIPHAHN**, my daughter
- 10% to **DAVID T. SMITH**, my son
- 10% to **FLOYD D. SMITH, JR.**, my son
 - 5% to **ZACHARY TRIPHAHN**, my grandson
 - 5% to **DAVID M. SMITH**, my grandson
 - 5% to **NICOLE A. SMITH**, my granddaughter
 - 5% to **FLOYD D. SMITH, III** my grandson
 - 5% to **ERIC W. SMITH**, my grandson
- 3 1/3% to **NICHOLAS J. URBANA**, my grandson
- 3 1/3% to **MATTHEW S. URBANA**, my grandson
- 3 1/3% to **ALICIA L. URBANA**, my granddaughter

ARTICLE IV

1. I appoint my husband, **FLOYD D. SMITH** as executor of this Will. If for any reason my husband fails to become or ceases to act as executor, I then appoint my daughter, **JANET L. SMITH**, as successor executor of this Will.

2. My executor or successor executor is to act without bond and shall have the following powers and any others that may be generated by law, to be exercised in its discretion without Court order.

- A. To retain any property of my estate;
- B. To invest in any property, real or personal;
- C. To sell any real or personal property of my estate, for cash or on credit, at public or private sale; to exchange any such property for other property; to grant options to purchase or acquire any such property; and to determine the prices and terms of sales, exchanges and options;
- D. To operate, maintain, repair, rehabilitate, alter, improve, or remove any improvements on real estate to make leases and subleases for the terms of any length; to subdivide real estate; to grant easements, give consents and make contracts relating to real estate or its use; and to release or dedicate any interest in real estate;
- E. To employ attorneys, auditors, depositaries and agents, with or without discretionary powers; to exercise in person or by proxy all voting and other rights with respect to stocks or other securities; and to keep any property in bearer form or in the name of any executor, a nominee of an executor with or without disclosure of any fiduciary relationship;
- F. To collect, pay, contest, compromise or abandon claims of or against my estate wherever situated; and to execute contracts, conveyances and other instruments, including instruments containing covenants, representations and warranties binding upon and creating a charge against my estate and

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containing provisions excluding personal liability;

- G. To enter into any transaction authorized by this Article with trustees, executors or administrators of any trust or estate in which any beneficiary has any interest even though any such trustee is also my executor;
- H. To make any distribution of my estate in cash or in kind or both;
- I. To allow different kinds of disproportionate shares of property or undivided interests in property among the beneficiaries, and to determine the value of any such property;
- J. To borrow money for any purpose either from my executor, other than in the capacity of my executor, or from others, and to mortgage or pledge any property of my estate;
- K. To handle my estate through independent administration in the Probate Court, if deemed necessary by my executor.


ARTICLE V

In the event that my husband and I should die simultaneously or under such circumstances which make it difficult to determine which of us dies first, I direct that I shall be determined to have predeceased my husband, and the provisions of this Will shall be construed upon that assumption and basis, and furthermore, that any and all property which may be held by me with my husband as joint tenants shall pass as if I predeceased him.

ARTICLE VI

My executor shall handle the details of my funeral arrangements.

IN WITNESS WHEREOF, I have set my hand and seal to this, my Last Will and Testament, consisting of four (4) typewritten pages and for the purpose of identification have signed my initials at the foot of each preceding page this 17th day of September, 1994.



 DIANE SMITH

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We saw DIANE SMITH, in our presence, sign this instrument at its end; she then declared it to be her Will and requested us to act as witnesses to it; we believed her to be of sound mind and memory and not under duress or constraint of any kind; and then we, in her presence and in the presence of each other, signed our names as attesting witnesses, all of which was done on the date of this instrument.

Walter C. Blushka Address 4108 N. Cicero Ave.
Chicago, IL 60641-1808

Sharon Louise Joyce Address 142 Innsbruck
Streamwood, IL 60117

Property of Cook County Clerk's Office