### AFFIDAVIT OF HEIRSHIP

PREPARED BY: Hegarty, Kowols & Associates PC 301 W. Touhy Park Ridge, IL 60068 (847) 692-3031



Doc#: 1521213022 Fee: \$58.00 RHSP Fee: \$9.00 RPRF Fee: \$1.00

Karen A. Yarbrough

Cook County Recorder of Deeds Date: 07/31/2015 10:10 AM Pg: 1 of 11

STATE OF (LLINOIS)

(COUNTY OF COOK)

### AFFIDAVIT OF HEIRSHIP OF ELLWOOD M. FOSS, DECEASED

The undersigned, Carol Jean Brzoska, being duly sworn on oath states:

- 1. The Decedent, ELLWOOD M. FOSS, died on November 27, 1994, a resident of the City of Hillside, Illinois at the age of 76 years. A copy of the Death Certificate of Decedent is attached hereto as Exhibit A.
- 2. I am a surviving heir of the Decedent and am of legal age. My address is 430 Granville Ave., Hillside, IL 60162.
- The Decedent was married only once to BETTY J. FOSS. A copy of the Death Certificate of BETTY J. FOSS is attached as Exhibit B. BETTY J. FOSS productased the Decedent. The Decedent and BETTY J. FOSS had four (4) children, namely, WILLIAM FOSS, FRED FOSS, DONALD FOSS and CAROL JEAN BRZOSKA. No other children were born to or adopted by the Decedent.
- 4. WILLIAM FOSS, FRED FOSS, DONALD FOSS and CAROL JEAN BRZOSKA are all living and are all competent adults.
  - 5. Based on the foregoing, ELLWOOD M. FOSS, left as his only heirs at law:



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### **UNOFFICIAL COPY**

WILLIAM FOSS, son FRED FOSS, son DONAL FOSS, son CAROL JEAN BRZOSKA, daughter

- 6. The Decedent left a Last Will and Testament dated December 3, 1986 that was filed with the Clerk of the Circuit Court of Cook County on December 21, 1994. A copy of the Last Will and Testament is attached as Exhibit C. No letters of office are now outstanding on the decedent's estate and no petition for letters is contemplated or pending in Illinois or in any other jurisdiction, c my knowledge.
- 7. The Last Will and Testament dated December 3, 1986 states that the Decedent left the real property commonly known as 430 Granville Ave., Hillside, IL 60162 to his daughter, CAROL JEAN BRZOSKA, if she surjived the Decedent and if she did not survive him then in equal shares to his children, WILLIAM FOSS, FRED FOSS, and DONAL FOSS, per stirpes.
- 8. At the time of his death, the Decedent was the sole owner of the real estate commonly known as 430 Granville Ave., Hillside, IL 60162. The legal description of the property is as follows:

THE NORTH FIFTY (50) FEET OF THE SOUTH ONE HUNDRED (100) FEET OF LOT THIRTY ONE----(31) IN J. H. WHITES DE AND COMPANY'S MADISON STREET ADDITION OF THAT PART OF THE SOUTHEAST QUARTER (1/4)LYING SOUTH OF BUTTERFIELD ROAD, 'N SECTION 8, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.: 15-08-432-035-0000

9. The value of the Decedent's estate for federal or state estate tax purposes is less than the applicable exemption. No estate tax is due or payable. All debts of the Decedent are paid in full, including but not limited to funeral and medical expenses.

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## **UNOFFICIAL COPY**

10. This Affidavit of Heirship is made in lieu of the probate of the Decedent's estate and acknowledge title of the subject property in CAROL JEAN BRZOSKA, 430 Granville Ave., Hillside, IL 60162.

Carol Jean Brzoska Jean Brzoska

The undersigned, a Notary Public in and for the above county and state, certify that CAROL JEAN BRZOSKA, is personally known to me to the same person whose name is subscribed to the foregoing Affidavit, appeared before me in person and acknowledged that she signed, sealed and delive ed the said Affidavit as her free and voluntary act for the uses and purposes therein set forth.

On this

 $\hat{\alpha}$ 7

\_day of

, 2015

C/O/A/S O/A/CO

"OFFICIAL SEAL"
MARY ANN KOWOLS
Notary Public, State of Illinois
ly Commission Expires 06/19/18

Notary Public

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## **UNOFFICIAL COPY**

STATE OF ILLINOIS)
County of Cook)

### **DAVID ORR, County Clerk**

July 20, 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 herby 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.

laid On

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## **UNOFFICIAL COPY**

STATE OF ILLINOIS) **County of Cook)** 

### **DAVID ORR, County Clerk**

June 26, 2015

1, David Orr, County Clerk of the County of Cook, in the State aforesaid, and Keeper of the Records and files of said County do herby 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.

County Clerk

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## UNOFFICIAL COPY

# Last Will and Testament of

ELLWOOD M. FOSS

I, ELLWOOD M. FOSS, of Hillside, Illinois hereby make, publish and declare this as my Last Will and Testament, hereby revoking any and all wills and codicils thereto heretofore made by me.

### ARTICLE I

I order and direct my Executor to pay out of the principal of my estate all my just debts, funeral expenses and costs of administration of my estate. I further direct my Executor to pay out of the principal of my estate, or to make deposits to secure such payment, and treat as expenses of administration chargeable against my estate generally, all so-called inheritance and estate taxes including interest and penalties thereon, that may be assessed in any way by reason of my death, and I hereby waive on behalf of my estate any right to recover from any person, including beneficiary of insurance of my life, any part of such taxes so paid.

### ARTICLE II

I give devise and bequeath all of my property, both real and personal, wheresoever located as follows:

a) I leave my property commonly known as

Livered R brown

430 Granville, Hillside, Illinois 60162 to my daughter, CAROL BRZOSKA, or her descendants, per stirpes on the condition that she allow her brother, WILLIAM FOSS to reside there for as long as desires. In the event CAROL BRZOSKA predeceases me, then I leave said property to my descendants, WILLIAM FOSS, FRED FOSS and DONALD FOSS, or their descendants, per stirpes on the condition that they allow WILLIAM FOSS to reside there for as long as he desires.

- b) I leave my cemetery plots in Fairmont Cemetery Western to my daughter, CAROL BRZOSKA.
- c) I leave the rest, residue and remainder of my estate to my children CAROL BRZOSKA, WILLIAM FOSS, FRED FOSS and DONALD FOSS or their descendants, per stirpes.

### ARTICLE III

First: I hereby nominate and appoint my son, DONALD R. FOSS as Executor of this my Last Will and Testament, and direct that he shall not be required to give surety on his official bond. In the event my son, DUN.LD R. FOSS is unable or unwilling to act as my Executor, I rominate and appoint my son, FRED FOSS as Successor Executor and direct that he not be required to give surety on his official bond.

Second: I give unto my said Executor, or his assigns, and hereby direct that the same be exercised without requiring leave or direction of any court in that behalf, full power and authority to sell and convey the

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whole or any part of said estate, real or personal and

mixed, for such prices, on such terms and to such parties as my said Executor shall deem best; to extend, renew from time to time, or pay in whole or in part, any note or obligation existing at the time of my decease; to borrow money for the use of my estate and to pledge or mortgage all or any portion of the property belonging to my estate as recurity for the repayment thereof, to settle and compound any and all claims either in favor of or against my estate, upon such terms as he may deem proper, and to execute and deliver all necessary and proper documents in evidence or confirmation of any act herein authorized. No person taking any property from my said Executor by way of sale, mortgage, pledge or exchange shall be required to see to the authority of said Executor.

My Executor is further authorized, when he deems such action necessary to the proper protection of the interest of the estate, to join in any plan of reorganization, consolidation, merger or readjustment in respect of any securities belonging to my estate; to accept new securities offered thereunder and to do any acts to make any rayments which may be required to entitle my estate to the benefits of such plan.

G Mirer By Ang

Sellward In Ford Seal)

Signed, sealed, published and declared by the said ELLWOOD M. FOSS, as and for his Last Will and Testament, in the presence of us, who at his request and in his presence and in the presence of (as) other, believing him to be of sound mind and memory, have subscribed our names as witnesses on the day and year last above written.

Valerie Gionopelos May Siance Sugarty

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1521213022 Page: 10 of 11

# UNOFFICIAL COPY

STATE OF ILLINOIS)
)SS

COUNTY OF COOK )

SIGNED and SWORN to before me

day of Dichor, 1986.

Notary Public

"OFFICIAL SEAL"
ANNE B. SHERE
Notary Public State of Illinois
My Commission Expires Aug. 12, 1988

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# **UNOFFICIAL COPY**

Property of Cook Could Clerk's Office

Clerk of the Circuit Court of Cook County, IL