

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Application of ARCHIBALD
ANDERSON HILL for Letters Testamentary
under the Last Will and Testament of

P1592/
1946

PATTY SMITH HILL,

Deceased.
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TO THE SURROGATE'S COURT OF THE COUNTY OF
NEW YORK:

The petition of ARCHIBALD ANDERSON HILL, residing
at 1415 Wathen Avenue, Austin, Texas, respectfully shows:

1. Your petitioner is an Executor named in the Last
Will and Testament of PATTY SMITH HILL, deceased, who, at the
time of her death, resided in the Borough of Manhattan, City, County
and State of New York.

2. That the said PATTY SMITH HILL, deceased, died
at 21 Claremont Avenue, New York, N. Y. on the 25th day of May,
1946, leaving a Last Will and Testament which was thereafter and on
or about the 6th day of June, 1946, duly admitted to probate by the
Surrogate's Court of the County of New York, and Letters Testamentary
thereupon were duly issued to SAMUEL MANN, the Executor named
therein, who duly qualified and thereafter acted as such Executor up
to the time of the death of said SAMUEL MANN as hereinafter set forth.

3. The said SAMUEL MANN, said Executor, died in
New York City on the 6th day of September, 1958. The duties of the

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By _____ Deputy

Executor and Trustee under said Will have not been concluded.

4. Your petitioner was named in paragraph SIXTH of the said Last Will and Testament of the said PATTY SMITH HILL, deceased, and is entitled to Letters Testamentary thereunder upon the happening of a contingency, to wit, upon the death of SAMUEL MANN, as Executor aforesaid.

5. That the said paragraph "SIXTH" of the Last Will and Testament of PATTY SMITH HILL, deceased, reads as follows:

"SIXTH: I nominate, constitute and appoint SAMUEL MANN of 70 Pine Street, New York City, to be the executor and trustee under this my Last Will and Testament, and I order and direct that he shall not be required to furnish any bond or other security for the performance of his duties as such executor or trustee in any jurisdiction whatsoever. In the event of his failure or refusal to qualify as executor or trustee, or if having qualified the said SAMUEL MANN shall thereafter be unable or unwilling to continue to act hereunder, I nominate, constitute and appoint my aforesaid nephew, PROFESSOR ARCHIBALD ANDERSON HILL, to be executor and trustee hereunder to serve without bond or other security for the performance of his duties hereunder; and in the event of the qualification of my said nephew as trustee hereunder, I order and direct that he shall not be required to furnish any security which by law he might otherwise be directed to give to account for and to insure the delivery to his successors in interest of any property coming into his possession or control under paragraph "FOURTH" hereof."

6. That no other application has been made for the relief or order sought herein.

WHEREFORE, your petitioner prays that Letters Testamentary under the Last Will and Testament of the said PATTY SMITH HILL, deceased, be issued to him upon his qualifying according to law.

Dated: Austin, Texas
March 3, 1959.

Archibald Anderson Hill

By

Deputy

STATE OF TEXAS)
) SS.:
COUNTY OF TRAVIS)

ARCHIBALD ANDERSON HILL, being duly sworn,
deposes and says:

That he is the petitioner herein and has read said
petition and that the contents of said petition by said petitioner
subscribed are true to his own knowledge except as to the matters
therein stated to be alleged on information and belief, and that as
to those matters he believes it to be true.

Archibald Anderson Hill
Archibald Anderson Hill

Sworn to before me this *2nd*

day of March , 1959.

Margaret J. Maxwell
Notary Public, Travis County,
Texas.

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Notarial
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By _____ Deputy

SURROGATE'S COURT :
COUNTY OF NEW YORK

P 1592/1946

In the Matter of the Application of ARCHIBALD
ANDERSON HILL for Letters Testamentary
under the Last Will and Testament of

DESIGNATION

PATTY SMITH HILL,

Deceased.

STATE OF TEXAS)
COUNTY OF TRAVIS) SS.:

I, ARCHIBALD ANDERSON HILL, Successor

Executor named in the Last Will and Testament of PATTY SMITH
HILL, Deceased, a resident of the City and State of New York, do
hereby designate the Clerk of the Surrogate's Court of the County of
New York, and his successor in office, as a person on whom service
of any process issuing from the Surrogate's Court of the County of
New York may be made, in like manner and with like effect as if it
were served personally upon me whenever I cannot be found and served
within the State of New York after due diligence used. I am a resident
of 1415 Wathen Avenue, Austin, Texas.

Archibald Anderson Hill

STATE OF TEXAS)
COUNTY OF TRAVIS) SS.:

On the 3rd day of March, 1959, before
me personally came ARCHIBALD ANDERSON HILL, to me known to
be the individual described in and who executed the foregoing instru-
ment, and duly acknowledged to me that he executed the same.

M. Margaret J. Maxwell
Notary Public Travis County,
Texas.

Notarinal
certificate

SURROGATE'S COURT: COUNTY OF NEW YORK

In the Matter of the Application of ARCHIBALD ANDERSON HILL for Letters Testamentary under the Last Will and Testament of

OATH OF SUCCESSOR EXECUTOR

PATTY SMITH HILL,

P1592/1946

Deceased.

STATE OF TEXAS)
COUNTY OF TRAVIS) SS.:

I, ARCHIBALD ANDERSON HILL, Successor Executor named in the Last Will and Testament of PATTY SMITH HILL, deceased, late of New York City, do depose and say:

I am a resident of 1415 Wathen Avenue, in the City of Austin, State of Texas; that I am a citizen of the United States of America, over 21 years of age and that I will well, faithfully and honestly discharge the duties of Successor Executor of said Last Will and Testament.

Sworn to before me this 3rd

day of March, 1959

Archibald Anderson Hill

Margaret J. Maxwell
Notary Public, Travis
County, Texas.

*Print N.P.
Margaret*

ALVIN J. BURNETT
ATTORNEY AT LAW
70 PINE STREET
NEW YORK 5
DIGBY 4-5737

March 18, 1959

Mr. J. F. Rooney, Clerk
Surrogate's Court, New York County
Hall of Records
New York, N. Y.

Re: Estate of Patty Smith Hill
File No. P 1592/46

Dear Mr. Rooney:

Herewith is my check for \$1.25 in accordance with
your request to cover recording and sealing fees.

Sincerely yours,

Alvin J. Burnett

AJB:ea

Enc.

P.S.: In conformity with our telephone conversation,
I am also enclosing herewith my affidavit showing why it is necessary
to have a successor executor appointed at this time.

SURROGATE'S COURT
NEW YORK COUNTY
MAR 18 '59
FILED
P.D.6

SURROGATE'S COURT:
NEW YORK COUNTY

In the Matter of the Application of ARCHIBALD
ANDERSON HILL for Letters Testamentary
under the Last Will and Testament of

P 1592/46

PATTY SMITH HILL,

Deceased.

STATE OF NEW YORK)
COUNTY OF NEW YORK)

SS.:

ALVIN J. BURNETT, being duly sworn, deposes and
says:

I am the attorney for ARCHIBALD ANDERSON HILL,
and make this affidavit in connection with his application for Letters
Testamentary in place and stead of SAMUEL MANN, Deceased.

This estate has been receiving royalty payments to date,
payable to the late SAMUEL MANN, Executor of the above Estate, and
it is anticipated that these payments will continue to be made to
ARCHIBALD ANDERSON HILL as Successor Executor.

Sworn to before me the

18th day of March, 1959.

Jeanne Adelman

Alvin J. Burnett

JEANNE ADELMAN
Notary Public, State of New York
No. 21 703200
Qualified in New York County
Term Expires March 30, 1960