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3

Understanding Intestate Estates



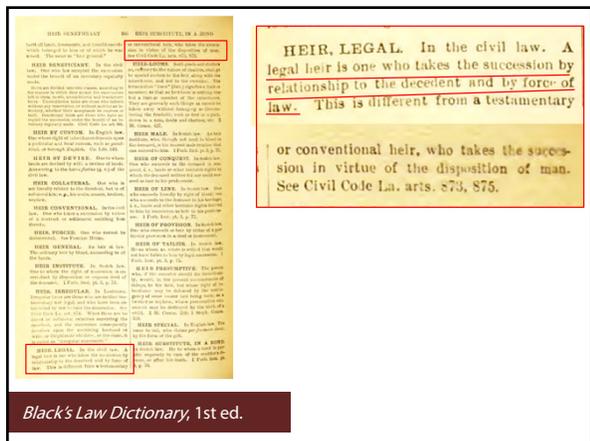
Voice of
Rhonda R. McClure
Senior Genealogist

4

Understanding Intestate Estates

- Deceased individual did not create a will
- Heirs-at-law inheritance rules apply
 - Could be spouse and children
 - Could be spouse, children, grandchildren (of deceased children)
 - Could be siblings
 - Depends on state or locality
- Could be affected by community property laws

5

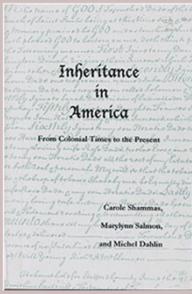


HEIR, LEGAL. In the civil law. A legal heir is one who takes the succession by relationship to the decedent and by force of law. This is different from a testamentary or conventional heir, who takes the succession in virtue of the disposition of man. See Civil Code La. arts. 873, 875.

Black's Law Dictionary, 1st ed.

6

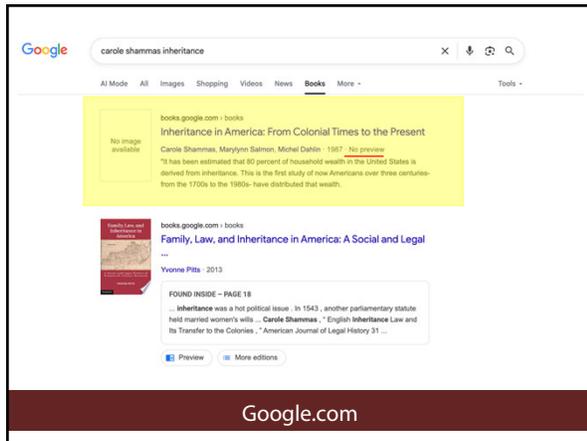
Seek Our Resources



Inheritance in America
From Colonial Times to the Present
Carole Shammas,
Marilyn Salmon,
and Michel Dahlin

- Citations lead to fuller treatments of topics
- Books may offer broader insight into your topics of interest
- New resources lead to other resources previously unknown
- Seeking this volume may find other volumes that list this in their bibliography

10



11

Tip

Book reviews help determine if a book is worthy of buying

12



19

THE DEVELOPMENT OF INTESTACY LAWS
A single simple idea lies behind the intestacy laws of today. If a person dies without a will, the property goes to a surviving wife or husband, to the children and grandchildren, and if there are none of these, then to closest relatives. Nobody else has any claim. In broad outline, this has been the practice for centuries. The proportions and the emphasis, however, have changed with the passage of time.

Two changes are of particular importance. The first is the merger of rules about real estate and rules about personal property. The second is the growing share of the estate that goes to a surviving spouse, at the expense of other possible heirs. This trend is connected to the trend mentioned in the Introduction: the shift from emphasis on the *bloodline* family to the *family of affection and dependence*.

Historically, English law made a sharp distinction between real and personal property. Real property meant primarily land and whatever was attached to it—houses, for example, or trees and growing crops. Personal property was everything else. Rules of inheritance were quite different for real and personal property, and so was the terminology. A will disposed of land; a testament disposed

20



21

Intestate Indexes

- Administrators – usually an index to bonds, etc. for the court appointed administrator of the account
- If volume mentions wills, it is an index of all probate
- Look under the bond column:
 - Ad – administrator
 - Ex – executor (probate with a will)

22

TIPS AND RESOURCES PRINT CATALOG PRINT LIST (0)

Probate records, 1773-1933; indexes to probate records, 1773-1950 ADD TO PRINT LIST

Authors [New Hampshire, County Court \(Grafton County\) \(Added Author\)](#)
[New Hampshire, Probate Court \(Grafton County\) \(Author\)](#)

Format Microfilm 35mm

Language English

Publication Date 1951, 1991

Publisher Filmed by the Genealogical Society of Utah

Place of Publication Salt Lake City, Utah

Physical 43 microfilm reels : 35 mm.

References (Digital Collection) [New Hampshire, county probate records, 1660-1923](#)

Notes
 Microfilm of original records in the County Courthouse, Woodville, New Hampshire.
[New Hampshire, County Probate Records are available online, click here](#)
[View this catalog record in WorldCat for other possible copy locations.](#)

Subjects
 Locality Subjects
[United States, New Hampshire, Grafton - Probate records](#)

familysearch.org/en/search/catalog/koha:340607

23

Film/Digital Notes
Film Number or Image Group Number (DGS)

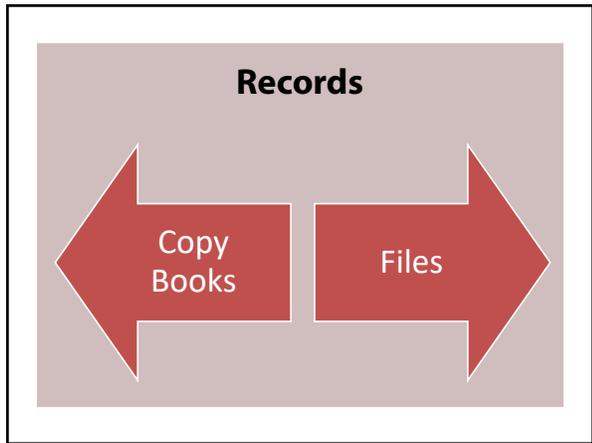
Note	Location	Collection/Shelf	Film	Image Group Number (DGS)	Format
Administrators index 1773-1900	Granite Mountain Record Vault	United States & Canada Film	15897	7131840	
Guardians index, change of name 1773-1900	Granite Mountain Record Vault	United States & Canada Film	15898	7131841	
Probate records v. 1-2 1773-1814	Granite Mountain Record Vault	United States & Canada Film	15899	7131842	
Probate records v. 3-5 1809-1821	Granite Mountain Record Vault	United States & Canada Film	15900	7131843	
Probate records v. 6-7 1821-1824	Granite Mountain Record Vault	United States & Canada Film	15901	7131844	
Probate records v. 8 1824-1826	Granite Mountain Record Vault	United States & Canada Film	15902	7131845	
Probate records v. 9-10 1826-1829	Granite Mountain Record Vault	United States & Canada Film	15903	7131846	
Probate records v. 11-12 1829-1831	Granite Mountain Record Vault	United States & Canada Film	15904	7131847	
Probate records v. 13-14 1831-1834	Granite Mountain Record Vault	United States & Canada Film	15905	7131848	

familysearch.org/en/search/catalog/koha:340607

24



28



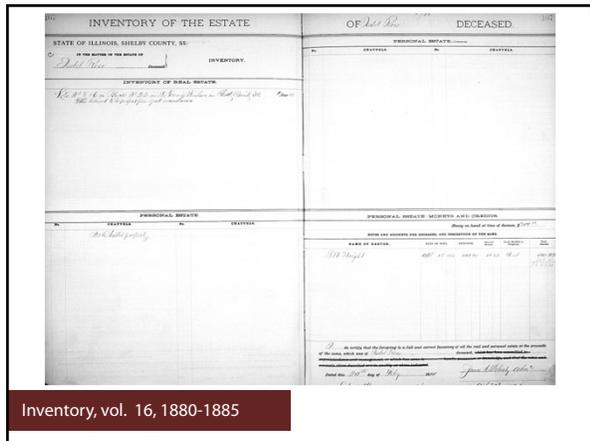
29

- Records**
- Accounting or Final Distributions offer names of heirs-at-law (found in packets and clerk's copy books)
 - Receipts signed by heirs-at-law:
 - May include locality of individual
 - Only found in probate packets
 - Probate packets can be 100s of images

30

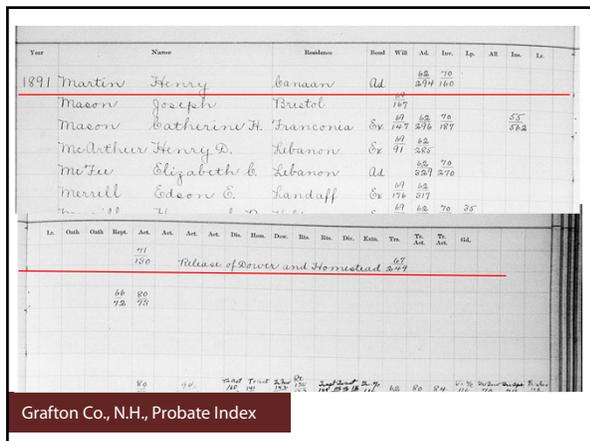


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Inventory, vol. 16, 1880-1885

41



Grafton Co., N.H., Probate Index

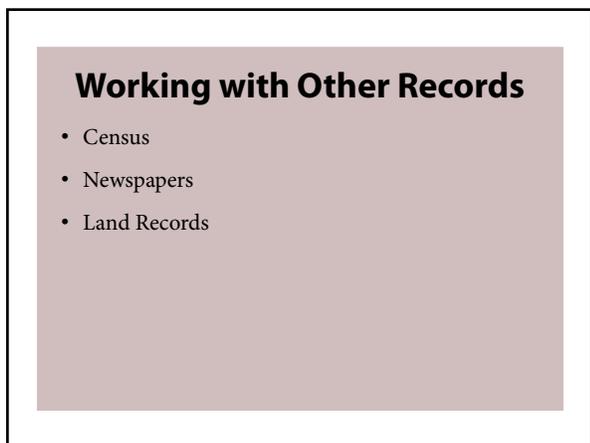
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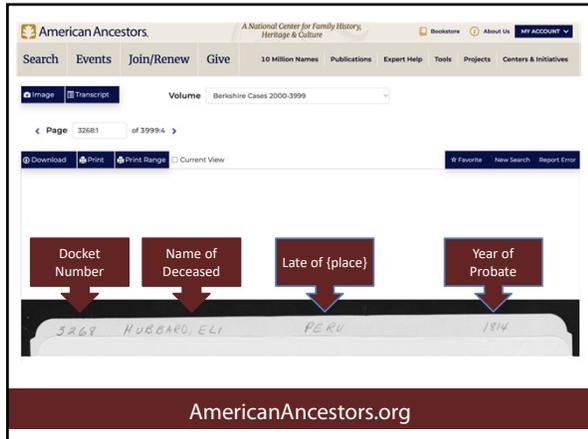
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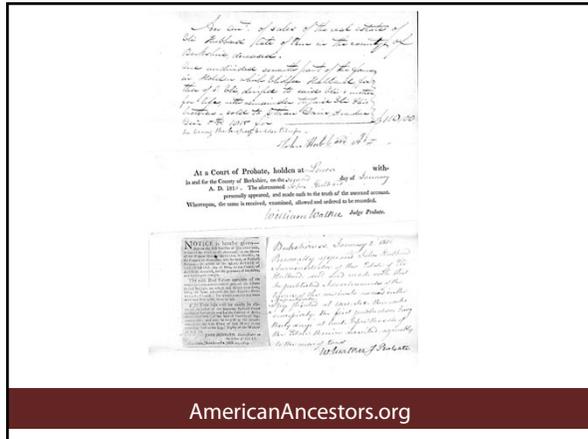
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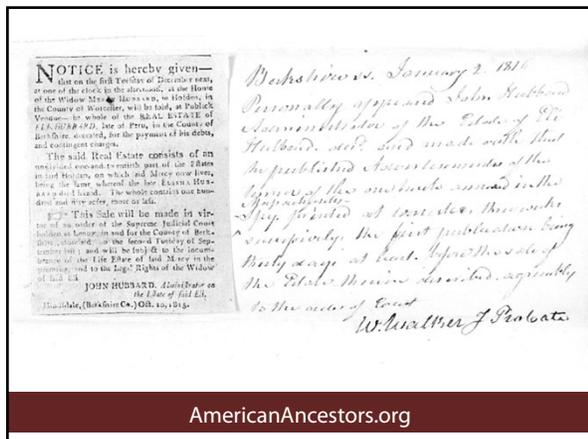
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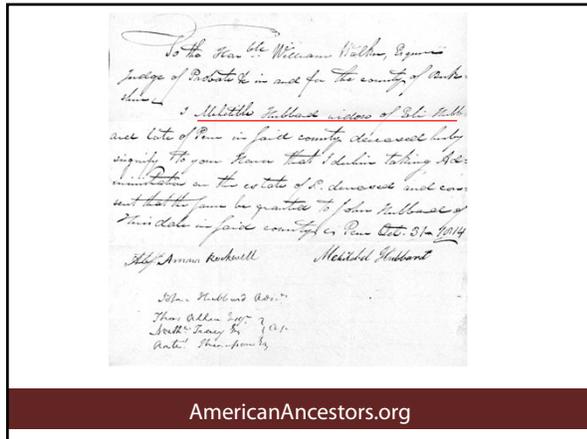
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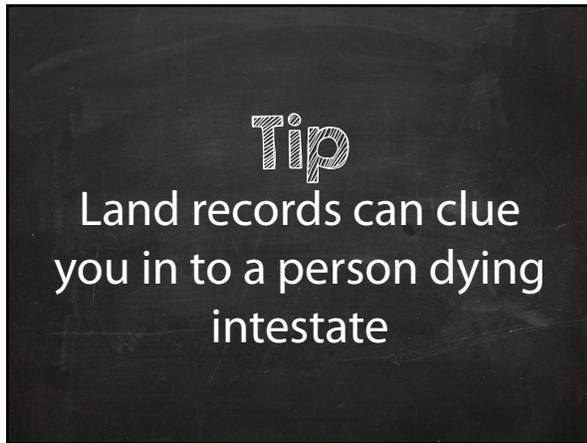
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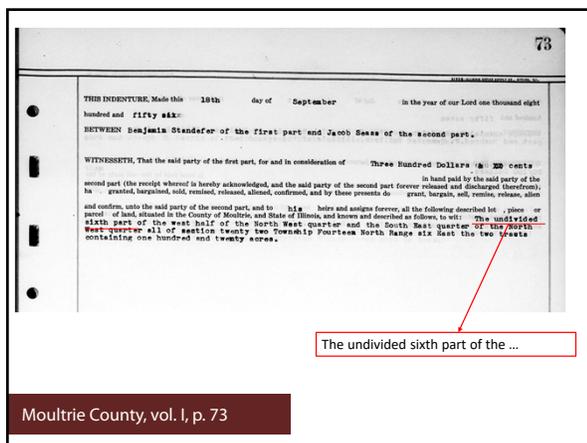
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64



65



66

Case Study #1

Land Record Clue

67

Land Record Clue

- Use of term “undivided” with a percentage
- Mention of “as heir of”
- Mention of “dower right”
- Mention of many family members selling together

68

73

THIS INDENTURE, Made this 18th day of September 1856 in the year of our Lord one thousand eight hundred and fifty six:

BETWEEN Benjamin Standefer of the first part and Jacob Sease of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of Three Hundred Dollars and 25 cents in hand paid by the said party of the second part (the receipt whereof is hereby acknowledged, and the said party of the second part forever released and discharged therefrom), he granted, bargained, sold, remised, released, aliened, confirmed, and by these presents do grant, bargain, sell, remise, release, alien and confirm, unto the said party of the second part, and to his heirs and assigns forever, all the following described lot, piece or parcel of land, situated in the County of Moultrie, and State of Illinois, and known and described as follows, to wit: The undivided sixth part of the west half of the North West quarter and the South East quarter of the West quarter all of section twenty two Township Fourteen North Range six East the two pieces containing one hundred and twenty acres.

Moultrie County, vol. 1, p. 73

69

Six Pieces

- From the Grantor Index:
 - Benjamin Standefer, vol. I, p. 73
 - Henry Standefer, vol. K, p. 255
 - Jobe Standeford, vol. E, p. 92
- Where were the other deeds?
- Benjamin and Jobe sold to Jacob Seass and Henry sold to Edward H. Seass
- Check the Grantee Index for Seass

73

Grantee	Grantor	Deed No.	Deed Date	Deed Vol.	Deed Page	Deed Type	Deed Value	Deed Fee	Deed Tax	Deed Total
Seass, Jacob	Standefer, Jobe	Deed 200 00	02E 176 pt	Wg 192	A 20	14 6	11	11	11	11
Seass, Jacob	Warrner, Jobe A.	Deed 040 00	19 04	19	14 6	11	11	11	11	11
Seass, Jacob	Seass, Charles L.	Deed 200 00	02E 192	Wg 192	A 20	14 6	11	11	11	11
Seass, Jacob	Standefer, Benjamin	Deed 200 00	02E 192 pt	Wg 192	A 20	14 6	11	11	11	11
Seass, Jacob	Moon, Jacob & Temperance	Deed 200 00	Wg 192	A 20	14 6	11	11	11	11	11
Seass, Jacob	Campbell, Ellen A	Deed 80 00	Wg 192	A 20	14 6	11	11	11	11	11
Seass, Jacob	Vanmeter, Calvin & Mary	Deed 200 00	Wg 192	A 20	14 6	11	11	11	11	11
Seass, Edward	Holliday, Edward & Family	Deed 200 00	19J 202	A 20	14 6	11	11	11	11	11
Seass, Edward	Holliday, Edward & Family	Deed 200 00	19J 202	A 20	14 6	11	11	11	11	11
Seass, Edward	Walker, John W. et al	Deed 200 00	19J 202	A 20	14 6	11	11	11	11	11
Seass, Edward	Walker, George W. &	Deed 200 00	19J 202	A 20	14 6	11	11	11	11	11
Seass, Jacob	Illinois Central R.R.Co.	Deed 040 00	19J 202	A 20	14 6	11	11	11	11	11
Seass, Jacob	Hicks, Margaret & J.W.	QD 125 00	19J 202	A 20	14 6	11	11	11	11	11
Seass, Jacob	Hicks, Jacob	QD 125 00	19J 202	A 20	14 6	11	11	11	11	11
Seass, Jacob	Honey, William (Adm)	Deed 445 00	19J 202	A 20	14 6	11	11	11	11	11
Seass, Jacob	Atkinson, Jesse S. &	QD 10 00	19J 202	A 20	14 6	11	11	11	11	11
Seass, Jacob	Illinois Central R.R.Co.	Deed 200 00	19J 202	A 20	14 6	11	11	11	11	11
Seass, William & Sarah	Provan, William & Sarah	W.S. 200 00	19J 202	A 20	14 6	11	11	11	11	11
Seass, Levi & Elizabeth	W.S. 2000 00	Arts and	17	387						
Seass, Jamie S.	QD 200 00	19J 202	A 20	14 6	11	11	11	11	11	11
Seass, George & Ellen A.	W.S. 200 00	19J 202	A 20	14 6	11	11	11	11	11	11
Seass, George & Ellen A.	W.S. 200 00	19J 202	A 20	14 6	11	11	11	11	11	11
Seass, George & Ellen A.	W.S. 200 00	19J 202	A 20	14 6	11	11	11	11	11	11

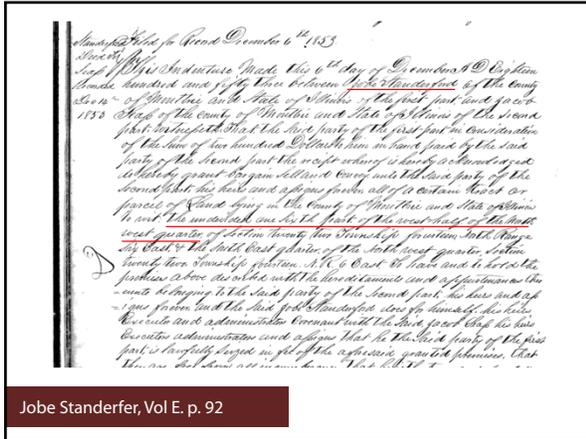
Grantee Index – Moultrie, Illinois

74

Brothers & Sisters

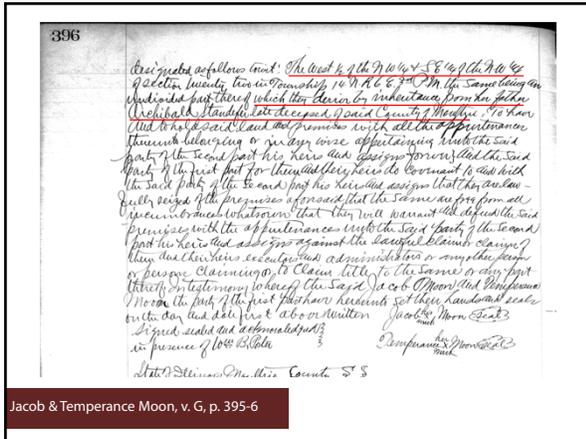
- From the Grantor Index:
 - Benjamin Standefer, vol. I, p. 73
 - Henry Standefer, vol. K, p. 255
 - Jobe Standeford, vol. E, p. 92
- From the Grantee Index:
 - Jacob & Temperance Moon, vol. G, p. 395
 - Caleb & Mary Ann Vanmeter, vol. K, p. 346

75



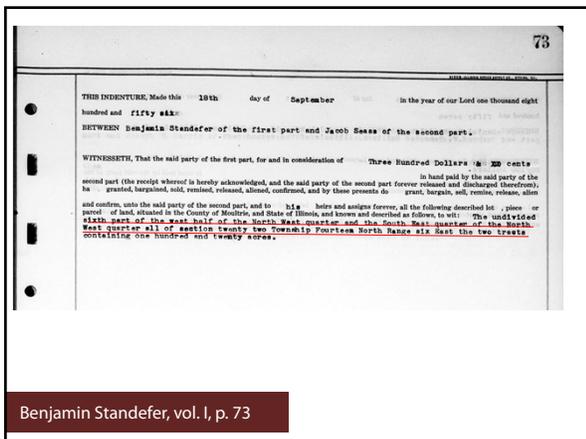
Jobe Standerfer, Vol E, p. 92

76



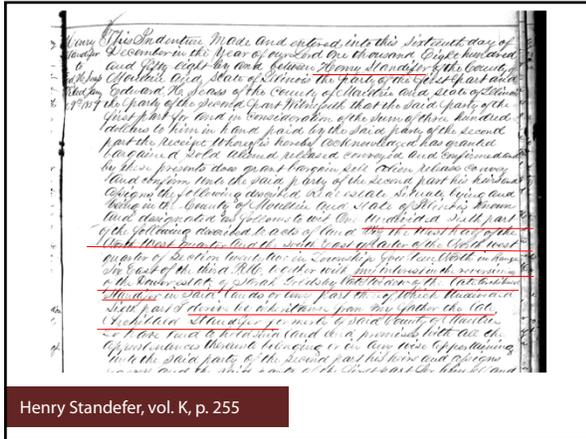
Jacob & Temperance Moon, v. G, p. 395-6

77

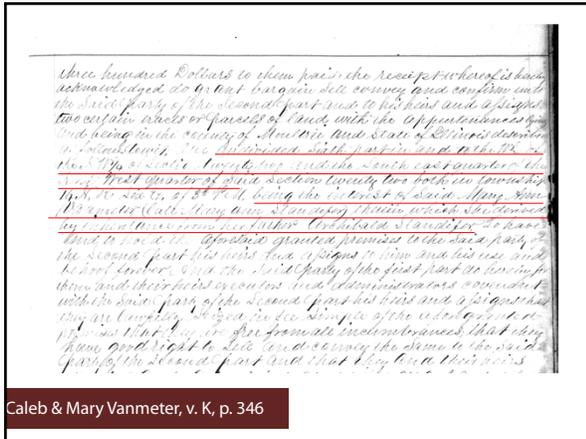


Benjamin Standerfer, vol. I, p. 73

78



79



80

Grantee	Grantor	Instrument No.	Recorded	Page	Volume	Page	Volume	Page	Volume
James	Standefer, John	Deed 200 00	1851	17	18	18	18	18	18
James	Warren, John A.	Deed 640 00	1852	19	19	19	19	19	19
James	Ross, Charles L.	Deed 200 00	1853	21	21	21	21	21	21
James	Standefer, Paul James	Deed 200 00	1854	22	22	22	22	22	22
James	Warr, John & Neighbors	Deed 200 00	1855	23	23	23	23	23	23
James	Compton, Elizabeth	Deed 85 00	1856	24	24	24	24	24	24
James	Vanmeter, Caleb & Mary	Deed 200 00	1857	25	25	25	25	25	25
James	Bease, Edward	Deed 200 00	1858	26	26	26	26	26	26
James	Willard, Edward	Deed 100 00	1859	27	27	27	27	27	27
James	Willford, Geo. W. et al	Deed 100 00	1860	28	28	28	28	28	28
James	Willford, George W. &	Deed 100 00	1861	29	29	29	29	29	29
James	Illinois Central R.R. Co.	Deed 100 00	1862	30	30	30	30	30	30
James	Hicks, Margaret & C.	Deed 100 00	1863	31	31	31	31	31	31
James	Helwick, Jacob	Deed 100 00	1864	32	32	32	32	32	32
James	Henny, Patrick (Jr)	Deed 445 00	1865	33	33	33	33	33	33
James	Kendall, John T.	Deed 100 00	1866	34	34	34	34	34	34
James	Illinois Central R.R. Co.	Deed 100 00	1867	35	35	35	35	35	35
James	Freeman, William & Berna	Deed 100 00	1868	36	36	36	36	36	36
James	Bease, Levi & Elizabeth	Deed 100 00	1869	37	37	37	37	37	37
James	Bease, Jennie M.	Deed 100 00	1870	38	38	38	38	38	38
James	Warr, George & Ellen A.	Deed 100 00	1871	39	39	39	39	39	39
James	Wright, S. W. (Jr)	Deed 100 00	1872	40	40	40	40	40	40
James	Padgug, Jasper J. A.	Deed 10 17	1873	41	41	41	41	41	41

Grantee Index - Moultrie, Illinois

81



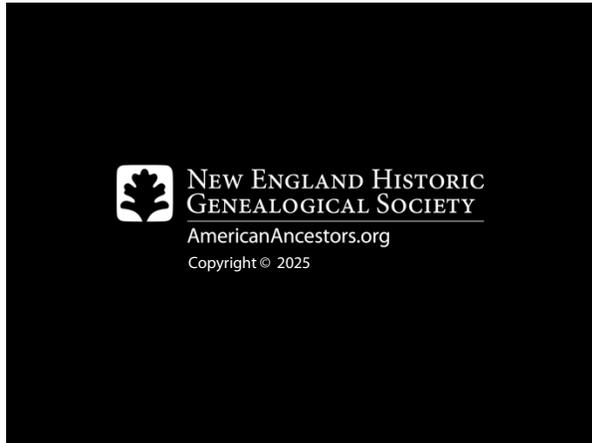
94



95



96



97