

WILL OF AUGUST DERLETH

JUL 9 1971

COUNTY COURT
HARLAND H. HILL, County Judge
BRANCH 1

I, AUGUST DERLETH, of Sauk City, Wisconsin, hereby revoke my former wills and declare this to be my last will.

ONE: I give and bequeath as follows:

A. I give and bequeath to my mother, if she survives me, the life use of the homestead located on Lueders Road, and direct that as long as she survive, said premises shall not be sold without her written consent.

B. I give and bequeath Arkham House and all pertinent effects (to-wit: the complete business of Arkham House including the stock of Arkham House and Mycroft & Moran imprints as well as all other imprints, one desk, three typewriters, address file, stationery, and all such material pertinent to the shipment of books) to my children in equal divided shares, with the suggestion that the effects and affairs of Arkham House be continued as a business venture with the aid and assistance of Miss Alice Conger and Roderick Meng for a period not to exceed ten years or such sooner time as my executors think advisable, so that the maximum value may be realized for my children's benefit. In the event that my executors should determine that it is not practical to continue Arkham House as a business venture, then I direct that it be disposed of in toto, first option to buy given to DONALD WANDREI, of 1152 Portland Avenue, St. Paul 4, Minnesota, if he survives me, said effects to include all Arkham House books in stock, which should command as remainder stock not less than \$.25 per copy, together with copyrights and rights attendant upon them; failing which, sale of the books should be arranged for as remainders with one of the various remainder firms listed in the annual, Literary Market Place, published by R. R. Bowker Company, with the

August Derleth

Forrest D. Hartman
Paul H. Allen

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B-1537

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Just Verdict

stipulation that the assistance of Alice Conger and Roderick Meng be requested, and that they be paid at whatever salary they ask in this service. In the event of the sale of Arkham House as hereinabove outlined, the proceeds shall be divided equally among my children as hereinabove set forth. It shall be my wish that reasonable time shall be granted to permit removal of Arkham House effects from the house on Lueders Road, if, (a) it is desirable that such removal be effected; (b) sale of the house and property is contemplated.

C. I give and bequeath to each of my children who may survive me a complete set of my own published books; that is to say, books written by me or bearing my byline, which set of books shall be taken from the store of books which is now located in my home on Lueders Road.

*Forrest D. Hartmann
Read to. Kalle.*

D. I give and bequeath my collection of comics and cartoons, to the State Historical Society of Wisconsin. By way of explanation I state that my collection of comics shall include all bound or unbound comics, original drawings, all books in reference to comics, as well as notes pertaining to them, all clippings, etc., in any way relative to them. Provided, however, that said gift and bequest shall not include those comics specifically claimed by my children as their own property.

E. I give and bequeath to each of the following persons who survive me the sum of money set beside his or her respective name:

One Thousand Dollars (\$1,000) to JOHN STANTON, of Madison, Wisconsin.

One Thousand Dollars (\$1,000) to ALICE CONGER, of Sauk City, Wisconsin.

One Thousand Dollars (\$1,000) to RODERICK MENG, of Sauk City, Wisconsin.

Five Hundred Dollars (\$500) to DENNIS MACK, of Sauk City, Wisconsin.

Just leave it

F. I give and bequeath to the Wisconsin State Historical Society Library all manuscript copies of my work, together with the option to publish at the customary royalty to accrue to my estate (children), any hitherto unpublished work among those manuscripts which the Society shall see fit to publish. I suggest that my children and/or my literary executor lease or sell to the Society for their publication at the customary royalty the plates of my historical novels, specifically Wind Over Wisconsin, Restless Is The River, Still Is The Summer Night, Bright Journey, Shadow Of Night, The Hills Stand Watch, Shadow In The Glass, House On The Mound, and The Wind Leans West.

G. All autographed letters, and other filed correspondence and all other unspecified papers, personal correspondence, and other manuscripts, or other records, or material relating to my life and my literary work, I give and bequeath to the Wisconsin State Historical Society Library and Manuscript Division. My collection of magazines, more specifically described as "little magazines or reviews" shall go to the Wisconsin Historical Society at Madison.

*Forrest D. Hartman
Pearl K. Hall.*

TWO: As soon as possible after the payment of my just debts I direct that the Court establish a special trust fund of Five Thousand Dollars (\$5,000) for each of my children, to be disbursed for their college educations if they elect to go to college; otherwise, to be paid to them as they severally reach their majority. It is my express and stated purpose throughout this will to amply provide for the support, education, and general welfare of my children until they reach majority.

THREE: All books (and specifically my library), magazines, papers, notes and material of like nature not specifically otherwise disposed of by this will, I give and bequeath to my residuary legatee or legatees. However, each book upon whose

file card is marked the letter "E" shall be destroyed

FOUR: All the rest, residue and remainder of my estate, I give, devise and bequeath as follows:

A. To my children in equal shares.

B. If any child of mine predecease me, the interest which would have passed to him had he survived me is hereby given by right of representation to the descendants of any deceased child who survives me.

C. If no lineal descendants of my body survive me, then any residue of my estate not hereinabove specifically disposed of I give, devise and bequeath as follows:

(1). Ten Thousand Dollars (\$10,000) to my nephew LARI DERLETH ANDERSON, if he survives me.

(2). All residue and remainder to RODERICK MENG. If he does not survive, then to my nephew LARI as stated above.

FIVE: If my homestead during the lifetime of my children is ever offered for sale, the first option shall be given to the Wisconsin State Historical Society. I direct that the said Wisconsin State Historical Society shall have at least one year after notice of offer to sell to act on its option to purchase.

SIX: I will and direct that all bequests be paid only after all debts outstanding have been paid. I further direct that no bequests are to be paid out of life insurance proceeds, but are to be paid instead out of the continuing income of Arkham House and/or from the proceeds of its sale in accordance with the terms of this will. In the event Arkham House is continued as a business, all receipts, whether strictly income or not, may be used for the support, education, and general welfare of my children.

SEVEN: I hereby appoint as my literary executor the Wisconsin State Historical Society of the State of Wisconsin, to be

represented by its proper officers or by a competent person employed by them for the duties. The Wisconsin State Historical Society, or the literary editors employed by them, is vested with discretionary and editorial powers. The proper officers of the Society shall exercise the editorial discretion over the publication or suppression, but not destruction, of such unpublished manuscripts as I may leave. The Society shall be at liberty to consult other impartial authorities in the field of American literature to aid in the exercise of their proper discretion, together with a discretion to continue the publication and sale of any of my already published works, or to prepare anthologies of my published fiction, poetry or journal excerpts, published or unpublished, for publication, either under their own imprint or by lease to some other publisher, for which service they can assess my estate the customary 10% agent's fee. Title to my literary work is to remain the property of my children, or as I may hereinafter provide by a later testamentary direction, but in the event that circumstances should occur to deprive me of my children and grandchildren, or any descendant in a direct line, then I give and bequeath to the Wisconsin State Historical Society all title, copyrights, etc., in all my published or unpublished work. Editorial discretion shall also be exercised over my letters, and the said Wisconsin State Historical Society shall be considered as empowered to proceed with publication or arrangements for publication of any of my unpublished work of whatsoever nature, provided that a just and fair royalty of not less than 10% of the retail price per copy on such publications shall be paid to my surviving legal heirs. The 10% royalty above specified may be altered by a mutual written agreement between the Wisconsin State Historical Society and the persons to whom the agreed royalty is to be

W. D. Beach

*Forrest D. Hartman
Pres. W. H. S.*

paid, said written agreement shall be subject to change from year to year as circumstances justify a change.

EIGHT: I hereby nominate and appoint Col. O. P. ANDERSON, my brother-in-law, and Mrs. O. P. ANDERSON, my sister, as the testamentary guardians of the estate and persons of any surviving minor issue of mine. In the event their appointment as such is questioned because of their non-residence, I direct the Court to require them to furnish a suitable bond for the protection of such estate as comes to their possession as such guardians, which bond shall be issued by a surety company licensed to transact business in Wisconsin.

In the event of the disability of one or both to so serve, I request the Court and my executors to agree upon a suitable guardian for the estate and person of my minor issue, and I hereby nominate as my choice LYLE VON BEHREN of Madison, Wisconsin. A separate guardian for the estate and a separate guardian for the person of my issue may be so appointed. Under no circumstances shall the Court appoint the mother of my two oldest children guardian of their person or estate, and I request my nominees to use every legal means to prevent such appointment.

NINE: If any beneficiary dies prior to the entry of an order, decree, or judgment in my estate distributing the property in question, or within five months after the date of my death, whichever is earlier, any interest which would have passed to said beneficiary under other provisions of this will are to be disposed of according to the plan of distribution which would have been effective under this will if such beneficiary had predeceased me. It is my intention that any property or interest which is distributed from my estate as a result of any court order, decree, or judgment will not be revoked or otherwise affected by the subsequent death of the distributee.

Hugo Schwenker

TEN: I hereby nominate and appoint HUGO SCHWENKER, FORREST HARTMANN, and my sister Mrs. O. P. ANDERSON as executors and executrix of this will and request that no bond be required of them in that capacity. I empower these persons, or however many of them as can so serve, in that capacity to do and perform any act deemed by them to be for the best interest of the estate without any limitation whatsoever. This provision shall be given the widest possible construction and it shall, without limiting the generality thereof, include the power to borrow money, to pledge assets, to sell or exchange property, real or personal, publicly or privately, without an order of the Court and without notice to anyone, upon such terms and conditions as shall seem best to said personal representatives; to permit any of the beneficiaries named herein to enjoy the use in kind, during probate of this will, of any tangible personal property without liability on the part of said personal representatives for any injury to, consumption of, or loss of any such property so used; and to settle, compromise, or pay any claims, including taxes, asserted in favor of or against me or my estate. The beneficiaries, or their executors or administrators, shall not be liable for any unintentional, non-negligent injury to, consumption of, or loss of any property used as provided herein.

*Forrest B. Hartmann
Pres. O. P. Anderson*

ELEVEN: I hereby appoint the firm of HILL, MILLER & QUALE as attorneys for the performance of all legal services required in the probate of my estate and in the fulfillment of the terms of this will. The members of this law firm have represented and advised me during several years preceding the execution of this will, have an intimate knowledge of my business affairs and property, and know my views and wishes respecting many matters that may arise in the probate of this instrument.

Signed this 30th day of November, 1966, at Prairie du
Sac, Wisconsin.

August Derleth
August Derleth

The foregoing instrument consisting of seven typed pages
above the testator's signature line, each page bearing the
signature of the testator and each witness, was signed and
published by said testator as his last will in the presence
of us who, at his request, in his presence, and in the presence
of each other, have hereunto subscribed our names as witness.
We each certify that at the time of the execution of this will
the testator was mentally competent and acting voluntarily.

Forrest D. Hartmann of Sauk City, Wisconsin
Pearl H. Lee of Prairie du Sac, Wisconsin

State of Wisconsin }
County of Sauk } ss

The undersigned County Judge of
Sauk County, Wisconsin hereby
certifies that this Will was admitted
to probate as prescribed by Statute,

on August 10th, 19 71

Holland H. H. H.
County Judge, Sauk County, Wis.

WILL OF HUGO H. SCHWENKER

FILED
Circuit Court
SAUK COUNTY WISCONSIN
AUG 29 2001

I, HUGO H. SCHWENKER, of the Village of Sauk City, Sauk County, Wisconsin,

hereby revoke my former wills and declare this to be my last Will.

ONE: I hereby give as follows:

KIM Z. VINET
REGISTER IN PROBATE

(a) The sum of Ten Thousand and no/100 (\$10,000.00) Dollars to the FREE CONGREGATION, Sauk City, Wisconsin. I intend no use or trust upon said bequest.

(b) The sum of Twenty Thousand and no/100 (\$20,000.00) Dollars to CHARLES RITCHIE, of Sauk City, Wisconsin, if he survives me.

(c) The sum of Fifteen Thousand and no/100 (\$15,000.00) Dollars to RODERIC MENG, of Prairie du Sac, Wisconsin, if he survives me.

(d) My homestead located at 731 Water Street in the Village of Sauk City, Wisconsin and the sum of Ten Thousand and no/100 (\$10,000.00) Dollars to THE AUGUST DERLETH SOCIETY, if said organization is an incorporated entity at the time of my death. If it is not so incorporated, this bequest shall lapse.

TWO: All of the rest of the property which I own at my death is hereby given to the WISCONSIN CHAPTER OF THE NATURE CONSERVANCY, Madison, Wisconsin. I direct that said bequest be used exclusively for land acquisition and stewardship in the Baraboo Hills, Sauk County, Wisconsin. I further direct that said bequest be held in Sauk County financial institutions until used as set forth herein.

THREE: If I leave in my own handwriting or a typewritten list signed by me wherein I shall have designated some special article to be given to some designated person, then I direct my Personal Representative hereinafter named to treat said list as a part of my said Will the same as if such item and each such person had been specifically set out in the said Will, provided that the Personal Representative shall not be responsible for any item that does not come into its possession as such Personal Representative.

FOUR: I hereby appoint BARABOO FEDERAL BANK, FSB, Baraboo, Wisconsin, Personal Representative of this Will. I empower said bank or any successor in that capacity to sell, lease or mortgage any property, real or personal, publicly or privately, without an order of the court and without notice to anyone, upon such terms and conditions as shall seem best to said Personal Representative and without liability on the part of any purchaser, tenant or mortgagee to see to the application of the consideration; to permit any of the beneficiaries named herein to enjoy the use in kind, during probate of this Will, of any tangible personal property without liability on the part of said Personal Representative for any injury to, consumption of, or loss of any such property so used; and to settle, compromise or pay any claims, including taxes, asserted in favor of or against me or my estate. The beneficiaries, or their personal representatives, shall not be liable for any unintentional, nonnegligent injury to, consumption of, or loss of any property used as provided herein.

Signed this 24 day of Feb., 1998, at Sauk City,
Wisconsin.

Hugo H. Schwenker
Hugo H. Schwenker

Forward C. H. Huthman
Gloria M. Block

The foregoing instrument consisting of two typewritten pages, excluding this page, each page bearing the signature of the testator, Hugo H. Schwenker, and of each witness, was signed and published by said testator as his last Will in the presence of us who, at his request, in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses. We each certify that at the time of the execution of this Will, the testator was mentally competent and acting voluntarily.

James B. Hartman of Baraboo, Wis.

Louise M. Fersch of Prairie du Sac, Wis.

State of Wisconsin } ss
County of Sauk
The undersigned Circuit Judge of Sauk County, Wisconsin hereby certifies that this Will was admitted to probate as prescribed by Statute,
on October 2, 1901
Patrick J. Taggart
Circuit Judge, Sauk County, Wis.
PATRICK J. TAGGART

WILL OF APRIL R. DERLETH

I, APRIL R. DERLETH, of the Town of Prairie du Sac, Sauk County, Wisconsin, hereby revoke my former wills and declare this to be my last Will.

ONE: All of the property which I own at my death shall be transferred to the FARMERS & CITIZENS UNITED BANK, Sauk City, Wisconsin, as Trustee to be retained, managed and distributed by it under the provisions of paragraph TWO.

TWO: TRUST PROVISIONS FOR CHILDREN

A. The purpose of this trust is to provide for the support, education and general welfare of any child of mine who has not reached his or her twenty-fifth birthday at the time of my death, and to provide for the distribution of my property as stated in the following paragraphs.

B. The trust estate shall be divided to provide equal portions for each of my children, including one portion for each such child who predeceases me leaving descendants who survive me. Said portions shall be distributed promptly as follows:

(1) The portion of any child who has reached or passed his or her twenty-fifth birthday shall be given to such child. After this distribution, such child is no longer a beneficiary of this trust.

(2) The portion of any child who dies prior to such distribution, leaving descendants who are alive at this time of distribution, shall be given to such descendants equally, being a per capita distribution. After such distribution, such descendants are no longer beneficiaries of this trust.

S/ Judy Herrema

S/ Guy D Reynolds

S/ April R. Derleth

C. Such of the income and corpus as is needed shall be applied or distributed by said Trustee, in cash or in kind, for the comfortable support and education of each beneficiary. Said distributions shall be made to those persons and in such manner and amounts as said Trustee, in its unrestricted discretion, believes will fulfill the purposes of this trust, regardless of the existence of other funds available for these purposes; said Trustee is authorized to make said distributions directly to said beneficiary, to his guardian, or to any other person in behalf of said beneficiary without the Trustee being liable to see to the application thereof.

D. The trust estate, including all income therefrom and increase thereof, is to be retained, invested or reinvested by said Trustee in any type of real or personal property and in any way thought advisable by said Trustee, without any statutory restriction. It may sell any property, real or personal, publicly or privately, without court order and without notice, upon such terms and conditions as it believes will be satisfactory. It may manage, control, lease or encumber the assets of the trust estate in any way it believes will fulfill the purposes of this trust.

E. The interest of the beneficiary of any trust created hereunder shall not be subject to or liable for any anticipations, assignments, sales, pledges, debts, contracts or liabilities of said beneficiary and said interest shall not be seized by creditors of said beneficiary, or by anyone, by attachment, garnishment, execution or otherwise. If the Trustee shall believe that the interest of the beneficiary is threatened to be diverted in any manner from the purposes of this trust as stated above, the Trustee shall withhold the income and principal from distribution, and shall apply

S/ Judy Herrera

S/ Guy Reynolds

S/ April R. Derleth

payments in its discretion in such manner as it shall believe contributes to the maintenance, comfort and necessities of the beneficiary. Whenever the Trustee shall be satisfied that such diversion is no longer effective or threatened, it may resume the distributions of income and principal authorized.

F. If any beneficiary under this trust, who has not had his portion distributed to him, dies before reaching his or her twenty-fifth birthday, the Trustee will pay in its discretion from the trust assets, the expense of last illness, funeral and related expenses of the beneficiary. After such payments have been deducted, the beneficiary's share in this trust estate will be determined as of the date of his death as if he had reached his or her twenty-fifth birthday on that date and said share will be distributed or left in trust according to the rules which would have applied if I had died immediately following the death of such beneficiary.

THREE: If all of my lineal descendants predecease me, all of the property which I own at my death shall be given to my brother, WALDEN.

FOUR: Notwithstanding anything to the contrary contained in this Will, if any person designated or described as a legatee, devisee or beneficiary under this Will shall die prior to the entry of an order, decree or judgment distributing the property bequeathed or devised to such person, or within six months after the date of my death, whichever is earlier, any share, interest or portion of my estate which would have passed to such person under other provisions of this Will shall be disposed of according to the plan of distribution which would have been in effect under this Will if such person had predeceased me. It is my intention, however, that any distribution from my estate shall not be

Judy Herrmann

Guy R Reynolds

Apr. 2 R. Derleth

affected by the subsequent death of the distributee.

FIVE: I hereby appoint TERRY BALLWEG and MELODY BALLWEG, or either of them, guardian of the person and of the estate of each of my minor children.

SIX: I hereby appoint the FARMERS & CITIZENS UNITED BANK, Sauk City, Wisconsin, Personal Representative of this Will. I empower said Bank, or any successor in that capacity to sell, lease or mortgage any property, real or personal, publicly or privately, without an order of the court and without notice to anyone, upon such terms and conditions as shall seem best to said Personal Representative and without liability on the part of any purchaser, tenant or mortgagee to see to the application of the consideration; to permit any of the beneficiaries named herein to enjoy the use in kind, during probate of this Will, of any tangible personal property without liability on the part of said Personal Representative for any injury to, consumption of, or loss of any such property so used; and to settle, compromise, or pay any claims, including taxes, asserted in favor of or against me or my estate. The beneficiaries, or their personal representatives, shall not be liable for any unintentional, nonnegligent injury to, consumption of, or loss of any property used as provided herein.

Signed this ____ day of April, 1982, at Sauk City, Wisconsin.

/ April R. Derleth
April R. Derleth

/ Sudy Herrema

/ Guy D. Reynolds

The foregoing instrument consisting of four type-written pages, excluding this page, each page bearing the signature of the testatrix, April R. Derleth, and of each witness, was signed and published by said testatrix as her last Will in the presence of us who, at her request, in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses. We each certify that at the time of the execution of this Will, the testatrix was mentally competent and acting voluntarily.

/ Guy D. Reynolds of April 2, 1982

/ Sody Herrema of April 2, 1982

JUN 06 2011

JAMES W. DANIELS
REGISTER IN PROBATE

LAST WILL AND TESTAMENT

OF

APRIL R. DERLETH

I, April R. Derleth, of the Town of Prairie du Sac, Sauk County, Wisconsin, revoke all former wills and codicils and declare this to be my last Will.

ARTICLE ONE

I am not married. My children now living are: Damon Derleth and Danielle Jacobs. Any reference to children also includes any children of mine born or adopted after this will is executed.

ARTICLE TWO

I direct that my funeral expenses, expenses of administration of my estate, and expenses of last illness be paid out of my estate as soon as may be practicable after my death.

ARTICLE THREE

I give the rest of my property as follows:

A. Tangible Personal Property. I give to my surviving children all household contents, furniture, tools, equipment and furnishings; all automobiles; all other items of tangible personal belongings; and all policies of insurance insuring the foregoing against loss or insuring the owner against liability. My Personal Representative shall allocate or distribute these items among my surviving children in shares as nearly equal as practicable and the division shall be conclusive and binding upon my children. The Personal Representative may deliver the share of any minor child to any person to be held for distribution to that child.

B. Residue.

1. **Outright to Children.** If my youngest surviving child has attained the age of Twenty-four (24) Years, then I give the rest of my estate to my children in equal shares, and to their issue by right of representation if any of my children are deceased and survived by issue who survive me.

2. **Residual Trust.** If my youngest surviving child has not attained the age of Twenty-four (24) Years, I give the rest of my estate to the Trustee named in this will to be held in a Residual Trust to be administered upon the terms and conditions set forth in Article Four.

ARTICLE FOUR

In the event that the Residual Trust is implemented under Article Three, my Trustee shall hold the property in trust upon the following terms and conditions:

A. **Trust Benefits.** The Trustee shall pay to or for the benefit of my children so much of the net income and principal of the trust as the Trustee, in the sole discretion of the Trustee, shall deem necessary or advisable for the education (including but not limited to a college or technical education, or both), maintenance, welfare and support of my children, taking into consideration all other means known to the Trustee for providing the same to my children. It is intended that the Trustee may make payments of a greater amount to one of my children than to another, or that the Trustee may pay some to one and none to another, or none to any, or all to one, as the Trustee alone shall deem proper and

advisable. The decision of the Trustee as to the propriety and amount of any payments made shall be binding upon all persons. It is my express wish that income and principal payments which may be distributed to my children shall be on the basis of their respective needs. Any income not so paid or used shall be accumulated and added to the principal of the trust as the Trustee deems advisable. All payments made pursuant to the provisions of this paragraph shall be charged against the trust generally and shall not be considered as advances.

B. Testator's Minor Children. It is my intention that the person or persons who care for any minor children of mine shall be reimbursed insofar as practicable for expenses incurred by them as a direct or indirect result of providing for the care of those children. It is my wish that from time to time the Trustee consult with the guardian of any of my minor children so that the Trustee may be informed of the needs and welfare of each child. Subject to the standards for distribution for the benefit of beneficiaries of this trust, I authorize my Trustee, in the sole discretion of the Trustee, to disburse funds to any guardian of the person of my minor children to assist in the remodeling of an existing residence or the acquisition of a new residence in which my children will reside. It is my specific direction that the person or persons who care for any minor children of mine shall not be required to account in detail for distributions to them for the benefit of my children unless my Trustee believes such an accounting to be necessary. I give my Trustee sole discretion in this regard. In the

event that a surviving parent of my children is appointed guardian of any of my children, I direct my Trustee to take into account the resources available to the surviving parent in supporting my children and to require, in the discretion of my Trustee, accounting for monies disbursed on behalf of my children.

C. Death Payments. If any beneficiary of this trust dies before or at the time of the termination of the trust, the Trustee, in the sole discretion of the Trustee, may pay any or all of the expenses of last illness, funeral, and related expenses of the deceased beneficiary.

D. Spendthrift Provision. The interest of my children in principal or income of the trust created under this provision of my will shall not be subject to claims of creditors or others, nor to legal process, and may not be voluntarily or involuntarily alienated or encumbered.

E. Distribution of Trust. When there is no living child of mine under the age of Twenty-five (25) Years, the Trustee shall distribute the remaining principal of the trust estate, together with any accumulated, accrued or undistributed income to my children in equal shares and to their descendants by right of representation if any of my children are then deceased.

ARTICLE FIVE

If the final distribution of my estate or the assets of any trust created hereunder is not provided for in full, I give all such property to my heirs to be determined under the then-existing laws of the State of Wisconsin relating to the distribution of

intestate property.

ARTICLE SIX

I am currently living in the Derleth family home. My interest in this home may pass under the terms of this will or outside of this will. In either event, it is my wish and desire that the home be maintained in the Derleth family for so long as reasonably possible. I would like to see my children living in the home followed by generations of Derleths. I understand that this provision of my will is not binding but I am trusting those who receive ownership of the home to respect my wishes in this regard.

ARTICLE SEVEN

If any person to whom an interest is given by the terms of this will dies prior to the entry of an order, decree or judgment assigning or distributing the property in question, or within Five (5) months after the day of my death, whichever is earlier, any property which would have passed to that beneficiary under provisions of this will is to be disposed of according to the plan of distribution which would have been effective under this will if that beneficiary had predeceased me. Any property which is distributed from my estate as a result of any court order or judgment shall not be revoked or affected by the subsequent death of a distributee.

ARTICLE EIGHT

A. Personal Representative. I nominate Roderic M. Meng, my friend, of Prairie du Sac, Wisconsin as Personal Representative and direct that no bond be required.

B. Guardian. Should it become necessary to appoint a guardian for any of my minor children, I direct that David H. Rajchel, my friend, of Sauk City, Wisconsin, be appointed guardian of the person and property of my children, and I request that no bond be required. If the above-named shall not act as guardian, I direct that Melody Ballweg, my friend, of rural Sauk City, Wisconsin be appointed guardian of the person and property of my children, and I request that no bond be required.

C. Trustee. In the event it is necessary to implement the trust provisions contained in this will, I nominate Roderic M. Meng, my friend, of Prairie du Sac, Wisconsin as Trustee. If the above-named shall not act as trustee, I nominate Melody Ballweg, my friend, of rural Sauk City, Wisconsin as Trustee. I request that no bond be required of any non-corporate trustee appointed under this will.

D. Fiduciary Powers. My Personal Representative and Trustee are empowered to do all things necessary or convenient for the orderly administration of my estate and the trust created hereunder without obtaining the approval of any Court. Without limiting this general power, it shall include the following powers and discretions in addition to those provided by law or in this will:

--To retain, invest and reinvest in assets of any kind without regard to diversification or to statutes or rules of law regarding investments by fiduciaries;

--To hold uninvested cash;

--To continue, participate in the management of, or

liquidate any business, commercial enterprise, or farming operation;

--To lend or borrow money upon appropriate terms (including loans obtained from the banking department of a corporate fiduciary or its subsidiary, affiliate or parent corporation) and to pledge or mortgage assets as security for loans obtained;

--To sell, convey, grant options upon, lease or sublease, partition, exchange, manage, plat, improve or demolish any assets and to execute and deliver deeds, leases, mortgages or other required instruments;

--To purchase property, casualty, liability, title, health, life or other insurance;

--To pay, compromise, contest or abandon claims;

--To exercise directly or by proxy all voting, subscription, conversion or other rights in securities held, and to participate in or oppose any plan of reorganization, dissolution, liquidation or merger;

--To distribute assets in satisfaction of any beneficial interest either in cash, in kind, or partly in each without any requirement that every item be divided and distributed ratably or that their tax cost basis be considered;

--To employ accountants, legal counsel or other agents, and to pay them reasonable compensation from the assets held;

--To hold assets in the name of a nominee or in bearer form;

--To allocate receipts and disbursements between income

and principal when no provision is made for allocation or allocation under applicable law is uncertain;

--To exercise available elections regarding the preparation and filing of tax returns and the allocation of any taxes, refunds or credits resulting therefrom;

--To invest in common trust funds;

--To make distributions directly to a minor or an incompetent, to his guardian or to his custodian under the Wisconsin Uniform Gifts to Minors Act or the similar law of this or any other state, or by application of the funds for the benefit of the minor or incompetent;

--To permit any beneficiary to use any tangible personal property held as an asset without liability for damage to, or consumption or loss of, that property;

--To receive reasonable compensation;

--(Trustee only) To resign upon giving written notice to all competent income beneficiaries together with a final account;

--(Trustee only) To retain trust assets otherwise distributable to a minor or incompetent, notwithstanding provision for outright distribution, and to pay or apply part or all of the net income and principal as the Trustee determines is required for the support, health, maintenance and education of such minor or incompetent, distributing all of the trust assets to the person upon the termination of that person's minority or incompetency or to that person's estate in the event of his death;

--(Trustee only) To terminate any trust created in this

will if the Trustee determines that the value of the trust assets is insufficient to carry out the purposes of the trust. In that event, the Trustee shall distribute the net trust assets to the then income beneficiaries in the same proportions as their income interests bear to one another.

My Personal Representative and Trustee may exercise any of their powers without liability for loss or damage resulting from actions taken or decisions made in good faith.

ARTICLE NINE

In this will, the singular includes the plural and the plural includes the singular.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the 26th day of August, 1992.

April R. Derleth (SEAL)
April R. Derleth

On the above date, at Baraboo, Wisconsin, the above-named testator April R. Derleth subscribed this instrument in the presence of us and each of us and at the same time declared this instrument to be testator's Last Will and Testament and we, at testator's request and in testator's presence and in the presence of each other, have signed our names hereto as attesting witnesses.

We further certify that in our judgment and belief, April R. Derleth is at this time of sound mind and disposing memory, over the age of 18 Years, and acting voluntarily.

[Signature] residing at Baraboo, WI
Sharon Davidson residing at Baraboo, WI

Notary Public
I, _____, ss
Notary Public, Probate Registrar of Sauk County,
Wisconsin, hereby certifies that this Will was admitted
to probate as prescribed by Statute.

James W. Davidson
Notary Public, Sauk County, Wis.