

LESTER WEGNER, sworn.

I am custodian in the office of the Register of Deeds for Milwaukee County, Wisconsin. I have here Volume 582 of Deeds. On page 488 of Deeds is a quit-claim deed between Mary Deller, Margaret Poetzel, Josephine Koeppel and Frank Deller, single, as parties of the first part, to John Deller as party of the second part, conveying lot 15 in block number 12 in Plankinton Addition in the 9th ward of the city of Milwaukee, subject to the dower and homestead rights of Josephine Deller, widow of Philip Deller and mother of the within named grantors. This deed was dated on April 13, 1909, signed in the presence of two witnesses and acknowledged on the same day before a Notary Public and recorded April 20, 1919, at 11:35 o'clock A.M. as Document Number 632814.



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IN THE MATTER OF THE LIFE  
ESTATE OF JOSEPHINE DELLER,  
DECEASED.  
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PETITION

TO THE COUNTY COURT OF SAID MILWAUKEE COUNTY:

The petition of JOHN DELLER of Milwaukee respectfully  
shows:

That JOSEPHINE DELLER, a resident of the City of  
Milwaukee, died at Milwaukee, in Milwaukee County, on the 29th  
day of October, 1931, seized of a life estate in the following  
described real estate situated in the City of Milwaukee,  
Milwaukee County, Wisconsin, to-wit:

Lot numbered Fifteen (15), in Block  
numbered Twelve (12), in Plankinton's  
Addition, being a Subdivision of the  
Southeast One-quarter (S.E. 1/4), of  
Section numbered Nineteen (19); in  
Township numbered Seven (7) North,  
of Range numbered Twenty-two (22)  
East, in the Ninth Ward of the City  
of Milwaukee.

That such life estate of the deceased in the real  
estate hereinbefore described was acquired as follows: By  
reason of an assignment in pursuance of an order and judgment  
granted by the Milwaukee County Court in a determination of  
descent proceedings in the Estate of PHILLIP DELLER, deceased,  
File No. 24106, Court Record - Volume 30, Page 411 - which said  
judgment recited "it is hereby determined and adjudged that upon  
the death of said Phillip Deller, said real estate (hereinabove  
described) descended to his said children as his only heirs, to  
said MARY DELLER, MARGARET POETZL, JOSEPHINE KOEPPL, FRANK DELLER-*single*  
and JOHN DELLER, and that each of said children became possessed



of an undivided one-fifth part of said real estate, subject to the homestead and dower rights of JOSEPHINE DELLER, widow of said PHILLIP DELLER, deceased."

That your petitioner is interested in said real estate as a son of JOSEPHINE DELLER, deceased, as one of the five heirs of PHILLIP DELLER, deceased, hereinbefore mentioned, and by reason of a Quit Claim Deed reciting a conveyance by MARY DELLER, MARGARET POETZL, JOSEPHINE KOEPPL and FRANK DELLER, of all their right, title and interest in and to said real estate to JOHN DELLER, subject to the dower and homestead rights of JOSEPHINE DELLER, said Deed being dated and acknowledged April 13, 1909, and recorded April 20, 1909, in the Office of the Register of Deeds' in and for Milwaukee County, Wisconsin.

WHEREFORE, your petitioner prays that the Court may issue a certificate setting forth the fact of the death of said JOSEPHINE DELLER, and the termination of such life estate.

John Deller

STATE OF WISCONSIN)  
MILWAUKEE COUNTY ) (SS

JOHN DELLER, being first duly sworn on oath deposes and says that he is the petitioner above named, that he has read the annexed and foregoing petition, and that the same is true of his own knowledge, except as to matters therein alleged on information and belief, and as to those matters he believes it to be true.

John Deller

Subscribed and sworn to before me  
this 5<sup>th</sup> day of November, A.D., 1935.

Margaret M. Namara  
Notary Public, Milwaukee County, Wis.



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IN THE MATTER OF THE LIFE  
ESTATE OF JOSEPHINE DELLER,  
DECEASED.  
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WAIVER OF NOTICE

Application for an order terminating the life  
estate of Josephine Deller, deceased, late of the City of  
Milwaukee, in said County, in the following described real  
estate; to-wit:

Lot numbered Fifteen (15), in  
Block numbered Twelve (12), in  
Plankinton's Addition, being a  
Subdivision of the Southeast  
One-quarter (S.E. 1/4), of Section  
numbered Nineteen (19), in Township  
numbered Seven (7) North, of Range  
numbered Twenty-two (22) East, in  
the Ninth Ward of the City of  
Milwaukee,

having been made;

THEREFORE, We, the undersigned, being all the  
heirs-at-law and parties interested, and being all of full  
age and competent, hereby enter our appearance and waive  
any and all notice of such application, and consent to an  
immediate hearing in said matter without further notice.

Dated at Milwaukee, Wisconsin, this 5th day of  
November, A.D., 1935.

NAME

John Deller son  
Mary Deller Daughter  
Margaret Pocock Daughter  
Frank Deller son

NAME

Fred Kopp  
Isabel Haerter  
Theresa Tankert  
John Kopp

↑  
Children of Josephine Kopp  
deceased, daughter of  
Josephine Deller.



filing of the petition herein, and that no administration of the estate of said deceased has ever been granted in the state of Wisconsin.

THIRD: That the petitioner herein is a son and heir at law of said deceased.

FOURTH: That said deceased left him surviving his widow, Josephine Deller and his children Mary Deller, Margaret Poetzl, Josephine Koepl, John Deller and Frank Deller, all of whom are of full age and all of whom are residents of Milwaukee county, Wisconsin; that said deceased did not leave him surviving any issue of a deceased child.

FIFTH: That said deceased died seized of the following described lands situated in the county of Milwaukee and state of Wisconsin, to-wit: Lot Fifteen (15) in block Twelve (12) of Plankinton's Addition in the Ninth Ward of the city of Milwaukee; that all of said real estate was used and occupied by said deceased as his homestead.

THEREFORE, the court finds and it is hereby determined and adjudged that upon the death of said Philipp Deller, said real estate descended to his said children as his only heirs, to said Mary Deller, Margaret Poetzl, Josephine Koepl, John Deller and Frank Deller, and that each of said children became <sup>possessed</sup> ~~heirs~~ of an undivided one-fifth part of said real estate, subject to the homestead and dower rights of Josephine Deller, widow of said Philipp Deller, deceased.

Dated Milwaukee, Wisconsin, this 11th day of December, 1907.

By the Court,

  
County Judge.



THE STATE OF WISCONSIN,  
MILWAUKEE COUNTY, COUNTY COURT, IN PROBATE.

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In the Matter of the Application for a  
Judgment as to the descent of the title  
in and to the real estate of  
PHILIPP DELLER,  
Deceased.  
- - - - -

The petition of John Deller respectfully represents that he is  
a son of Philipp Deller, deceased; that said Philipp Deller died <sup>intestate at Milwaukee, Wisconsin</sup> on  
the 27th day of February, 1903; that at the time of his death, the  
said Philipp Deller was possessed of all of the title in and to the  
following described real estate located in Milwaukee County, Wiscon-  
sin, to-wit, Lot No. fifteen (15) in block Number Twelve (12) of  
Plankinton's addition in the Ninth (9) ward of the City of Mil-  
waukee; that said real estate was conveyed to said Phillip Deller by  
John Plankinton and Annie B. Plankinton, his wife, by warranty deed  
dated June 16th, 1879, and recorded in the office of Register of  
Deeds of Milwaukee County on the 17th day of June 1879 at 4:45  
o'clock P.M. in volume 159 of deeds, page 447; that said Philipp  
Deller died <sup>and was a resident of Milwaukee County, Wisconsin, at the time of his death.</sup> intestate; that no administrator of his estate was ever  
appointed, and that he left no personal property which would be  
proper assets in the hands of an administrator, <sup>that more than three years</sup>  
<sup>have elapsed since the time of the death of said Philipp Deller.</sup>

That said Philipp Deller, deceased, left him surviving his  
widow, Josephine Deller, and his children, Mary Deller, Maggie  
Poetzel, Josephine Koepfel, John Deller and Frank Deller, all of  
whom are of full age and legally competent, and all of whom are  
residents of the City of Milwaukee, Wisconsin; that said deceased did  
not leave him surviving any issue of a deceased child or children.

Your petitioner prays for a judgment as to the descent of the  
title of said deceased in and to said real estate, setting forth the  
names of such heirs and the proportionate interest of each in said  
real estate.



#368

THE STATE OF WISCONSIN,  
MILWAUKEE COUNTY COUNTY COURT IN PROBATE.

Before the Hon. John C. Karel,  
Judge of the Second Division.

In the Matter of the Estate  
of

PHILLIP DELLER

Deceased.

Hearing on application for judgment determining  
descent of lands.

Hearing December 11th, 1907, A.M.

JOHN DELLER, having been first duly sworn,  
testified as follows:-

Frank Gottschalk sworn as interpreter.

Court:-

Q What is your name?

A John Deller.

Q How old are you?

A 31 going on 32.

Q Where do you live?

A 499 - 19th Street.

Q How long have you lived in this city?

A 32 born here.



Q Did you know Phillip Deller?

A That is my father.

Q Living or dead?

A He is dead.

Q When did he die?

A It was 1903, the 27th of February.

Q 1903?

A or 1902, I aint quite positive.

Q 1902 or 1903?

A Yes.

Q At the time of his death did he leave a will?

A No, none whatever.

Q Did your father leave a will?

A No, sir

Q Was his estate ever administered in this Court?

A I don't think it was.

Q Well, you aint positive it was not?

A There was never no trouble I know.

Q At the time of your father's death, how many children survived him?

A Five.

Q Now, you may give the names of the children and their ages, and where they live? Now start with the first?

A Mary Deller.

Q How old is she?

A Pretty-close to forty.



Q Where does she live?

A 499 -- 19th Street.

Q This city. Next.

A Margareta Poetzl.

Q How old?

A About 38.

Q Where does she live?

A On 16th between Walnut and Wine. Don't know the house number.

Q Next.

A Josephine Koeppel

Q How old?

A About 36.

Q Where does she live?

A Milwaukee.

Q Next?

A John Deller.

Q How old is he?

A 32 going on 32, Milwaukee.

Q Next?

A Frank Deller, 27, Milwaukee.

Q So that all of the children surviving your father are of age?

A They are all over twenty-one.

Q Did your father have any other children besides these which are named?

A No, sir.



Q Never had any other children?

A No, sir.

Q Was your father survived by a widow?

A Yes, sir.

Q What is her name?

A Josephina Deller.

Q Where is she living?

A Milwaukee.

Q And how old is she about?

A 62 something like that.

Q At the time of your father's death did he die seized of any real estate?

A Yes.

Witness offers in evidence the following warranty deed:

Deed made on the 16th day of June, 1879, between John Plankinton and Annie B. Plankinton, his wife, of Milwaukee, Wisconsin, and Phillip Deller, of the same place, consideration \$400, conveying the following described real estate, situated in the County of Milwaukee, and State of Wisconsin, to-wit:- Lot No. 15, in Block No. 12 in Plankinton's Addition to the Sixth, now the Ninth Ward of the City of Milwaukee, usual habendum clause, signed by John Plankinton and Annie B. Plankinton with their seals. Signed sealed and delivered in the presence of two witnesses; acknowledged before a notary public on the 27th day of June, 1879. Notarial seal attached



Filed in the office of the Register of Deeds of Milwaukee County on the 17th day of June, 1879 at 4 3/4 o'clock P.M. and recorded in Volume 159 of Deeds on page 447, Document No. 21275

Deed received in evidence and marked Exhibit A and by order of the Court returned to the witness.

Q Did your father sell his interest in this property, prior to his death?

A No, sir.

Q So that he owned it at the time of his death?

A He owned it.

Q And your mother lived on the property ever since?

A Ever since.

Q What kind of a property is it?

A Oh, it is a little cottage

Q Little wooden cottage?

A Little wooden cottage.

Q And how big a lot is it?

A 30 by 120.

Q And what is property worth there?

A I couldn't tell you how much.

Q About? What do you figure that property worth?

A Oh, maybe about eighteen hundred to \$2000.

Q \$1800 to two thousand?

A Yes, sir.

Q No more than the one building on the property?

A Only one building.



Q Is the property in that neighborhood appreciating or depreciating?

A It is climbing up.

Q Gradually coming up?

A Gradually coming up.