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No. 1  
DEED

LAST WILL and Testament

-of-

MATTHEW H. KIEH.

Dated at Duluth, Minnesota,  
September 23, 1920.

Filed November 4, 1920  
with clerk  
of court

LAST WILL AND TESTAMENT OF MATHILDE M. ZIEN.

I, MATHILDE M. ZIEN, of the City of Duluth, in St. Louis County, Minnesota, being of sound and disposing mind and memory, do hereby make and publish this my last will and testament, and I hereby revoke that certain will made by me on the 25th day of February, 1915, and any and all wills at any time heretofore made by me.

1. I order and direct that all of my just debts be paid as soon as may be after my death.

2. I direct that my executors, hereinafter named, improve the lot in the cemetery at Duluth, Minnesota, where my husband is buried and where I expect to be buried, and erect a suitable monument to myself and my husband on said cemetery lot, the cost of said improvements and monument to be Three Thousand Dollars (\$3,000.00)

3. I give and bequeath to my brother Louis L. Metzger, of St. Paul, Minnesota, my brother Robert F. Berdie, of Duluth, Minnesota, and my nephew Harry M. Levy, of Milwaukee, Wisconsin, the sum of Five Hundred Dollars (\$500.00), in trust, however, to invest and reinvest the same and to use the net income therefrom in the perpetual care and improvement of the cemetery lot where my husband, Jacob D. Zien is buried and the cemetery lot where my father Lezarus Metzger is buried. In case of the death, resignation, removal or incapacity of any of said trustees, I authorize the survivors to select and appoint a successor, and in case there is a vacancy among such trustees which is not filled by the remainder of them, such vacancy shall be filled by one of the Judges of the District Court having jurisdiction of said trust fund.

4. I give and bequeath to Al'onz Pfeiffer of Lendsau, Germany, the sum of One Hundred and Fifty Dollars (\$150.00), in trust, nevertheless, to invest and reinvest the same and apply the income therefrom to the care and improvement of the cemetery lot in Lendsau where my mother is buried. I authorize said trustee, whenever he may think best, to transfer this trust fund to the cemetery association at Lendsau, Germany, to be invested by it and the income used for the perpetual care of such burial lot.

5. I give and bequeath to my sister Anna Levy, wife of Sigfried Levy, of Milwaukee, Wisconsin, the sum of Six Thousand Dollars (\$6,000.00).

6. I give and bequeath to my brother Phillip Berdie, of Milwaukee, Wisconsin, the sum of Six Thousand Dollars (\$6,000.00).

7. I give and bequeath to my brother Robert F. Berdie, of Duluth, Minnesota, the sum of Six Thousand Five Hundred Dollars (\$6,500.00); if my said brother shall die before my death, then said \$6,500.00 shall become a part of my residuary estate.

8. I give and bequeath to my brother Louis L. Metzger, of St. Paul, Minnesota, and my nephew Harry M. Levy, of Milwaukee, Wisconsin, the sum of Fifteen Thousand Dollars (\$15,000.00), in trust, however, to invest and reinvest the same in interest bearing securities, the same to be invested in first mortgages on property in St. Louis County, Minnesota; and I direct that said trustees pay the net income from said sum to my brother Robert F. Berdie, of

Duluth, Minnesota, during the time of his natural life, the payment to be made to him semi-annually as near as may be. Upon the death of my said brother Robert F. Berdie said trust shall be dissolved and terminate, and said trust fund shall be paid in equal shares to my seven (7) nephews, to-wit: Louis S. Levy, Harry M. Levy, Samuel M. Levy, Adolph J. Levy, Isador Levy, Arthur Levy, and Mandel Levy. or, to the survivors of them, in case of the death of any one or more of them before the death of my said Robert F. Berdie. If either of said trustees shall die, resign or be removed before the death of my said brother Robert F. Berdie and the final distribution of said fund, then, the vacancy thus created shall be filled by one of the Judges of the District Court having jurisdiction of said matter.

9. I give and bequeath to my brother Louis L. Metzger, of St. Paul, Minnesota, the sum of Six Thousand Dollars (\$6,000.00).

10. I give and bequeath to my niece Belle Berdie, of Milwaukee, Wisconsin, the sum of One Thousand Dollars (\$1,000.00).

11. I give and bequeath to my brother Julius Metzger, of Ludvigshaven, Germany, the sum of Three Thousand Dollars (\$3,000.00).

12. I give and bequeath to my brother Louis L. Metzger, my brother Robert F. Berdie, and my nephew Harry M. Levy the sum of One Thousand Dollars (\$1,000.00), in trust, however, to invest and reinvest said sum, to add the income therefrom to the principal thereof as collected, and to continue to invest and reinvest said principal sum and accumulated income therefrom for the use and benefit of the two (2) granddaughters of my brother Phillip Berdie, of Milwaukee, Wisconsin, to-wit: Elizabeth Sternberg and Phillis Sternberg. When either of them shall be married or shall arrive at the age of twenty-five (25) years, without being married, one-half (1/2) of said fund and accumulated income therefrom shall be paid to her; and when the other of them shall be married or shall arrive at the age of twenty-five (25) years, without being married, the other one-half (1/2) of said fund and accumulated income shall be paid to her. If either of them shall die before receipt of her share of said fund, as hereinbefore set forth, then, the whole of said fund shall be paid to the other of them when it will be payable to such other one at the time above set forth for the payment of said share to said other one. If both said Elizabeth Sternberg and said Phillis Sternberg shall die before the distribution of said trust fund, then, said trust fund shall become a part of my residuary estate and pass as such according to the provisions hereinbefore set forth.

13. I give and bequeath to my brother Robert F. Berdie all of the furniture and fixtures that shall at the time of my death be owned by me and situated in the Frederic Hotel at Duluth, Minnesota, and not hereinbefore or hereafter specifically devised.

14. I give and bequeath to the Jewish Orphan Asylum of Cleveland, Ohio, the sum of Three Hundred Dollars (\$300.00), and I request the management of such asylum to conduct memorial services for myself, my husband and my parents.

15. I give and bequeath to Tempel Emanuel Congregation of Duluth, Minnesota, the sum of Five Hundred Dollars (\$500.00).

16. I give and bequeath to my said sister Anna Levy my half moon diamond pin, and I request that upon her death it be given to my seven (7) nephews mentioned in paragraph eight (8) hereof, or the survivors of them, in equal shares.

17. I give and bequeath to my nephew Samuel Levy my diamond ring containing two (2) stones, with platinum setting. ✓

18. I give and bequeath to my nephew Adolph J. Levy my diamond ring containing three (3) stones. ✓

19. I give and bequeath to my brother Louis L. Metzger my solitaire diamond ring and my gold locket set with diamonds, my large hand-carved mahogany table, my outglass lamp and all the silverware which has heretofore been given to me by him. ✓

20. I give and bequeath to my nephew Louis S. Levy my hand-carved bedroom suite, consisting of four (4) pieces. ✓

21. I give and bequeath to my said sister Anna Levy all the parlor furniture which I shall own at the time of my death, except the large hand-carved mahogany table and outglass lamp hereinbefore bequeathed to my brother Louis L. Metzger. ✓

22. I give and bequeath to my brother Phillip Berdie my plain mahogany bedroom set and green portieres and green silk quilt. ✓

23. I give and bequeath to Ludwig Metzger and Robert Metzger of St. Paul, Minnesota, sons of my brother Max Metzger of Germany, all of the oil paintings which I have heretofore received from my brother Max Metzger. ✓

24. I give and bequeath to my said sister Anna Levy all of the jewelry of which I shall die possessed and not hereinbefore disposed of, and I request that she distribute the same among my nieces and nephews not otherwise provided for in this will, as she may see fit; and I give and bequeath to my said sister all the furniture, household goods and personal effects, not hereinbefore disposed of, and I request that she distribute out of the same to each of my nieces and nephews not hereinbefore specifically provided for in this will, some article as a token of remembrance from me. ✓

25. I give and bequeath to Morris L. Zien of Duluth, Minnesota, the handpainted portrait of my deceased husband, Jacob D. Zien. ✓

26. I give and bequeath to my said nephews Isador Levy, Arthur Levy and Mandel Levy, in equal shares, all the rest and residue of the property of which I shall die seized or possessed and not heretofore disposed of. ✓

27. If any of the trust estates hereby created shall, for any cause, fail, then, this will shall not hereby be made void, but the trust fund so involved shall become a part of my residuary estate, except that if the trust fund created for my brother Robert F. Berdie as set forth in paragraph numbered eight (8) hereof shall fail for any cause, then, it is my will that the Fifteen Thousand Dollar (\$15,000.00) trust fund therein referred to shall be paid by my executors direct to my brother Robert F. Berdie, or, in case of his death, to the then survivors of my seven (7) nephews mentioned in paragraph numbered eight (8) hereof. ✓

28. Upon my death any and all indebtedness owing me by my sister Anna Levy, my nephew Harry M. Levy and my nephew Adolph J. Levy, or either of any of them, shall be canceled, and any notes that I hold for such indebtedness shall be canceled and delivered ✓

up to the respective makers thereof.

29. I make, constitute and appoint my brother Louis L. Metzger, my brother Robert F. Berdie and my nephew Harry M. Levy executors of this my last will and testament.

IN WITNESS WHEREOF, I have hereunto subscribed my name and do hereby declare this to be my last will and testament in the presence of L. O. Baerum and W. M. Sweet whom I have requested to subscribe their names as witnesses hereto on this 23rd day of September, 1920, at Duluth, Minnesota.

Mathilde M. Zien

The foregoing instrument on the day of the date thereof, to-wit, the 23rd day of September, 1920, at Duluth, Minnesota, was signed, published and declared by said Testatrix, Mathilde M. Zien, in our presence and in the presence of each of us to be her last will and testament.

In Witness Whereof, we, at the request of said Testatrix and in her presence and in the presence of each other have hereto subscribed our names at Duluth, Minnesota, this 23rd day of September, 1920.

L. O. Baerum . residing at Duluth, Minnesota.

W. M. Sweet . residing at Duluth, Minnesota.

Called 1/26/17 but  
could not leave voice  
mail

List of Documents file in Estate of Mathilde M. Zien

1. 12/7/23 Correspondence
2. Petition for Appointment of Trustee of trust created within the Last Will and Testament of Mathilde M. Zien – dated 10/9/23
3. Order Determining Partial Inheritance Tax
4. Withdrawal of Claim
5. Order Authorizing Withdrawal of Claim
6. Petition for Extension of Time to Present Claims
7. Notice of Determination of Inheritance Tax
8. Order Denying Petition for Extension of Time to File Claims
9. Petition for Appointment of Trustee of trust created within the Last Will and Testament of Mathilde M. Zien – dated 2/29/24
10. Order (granting Petition) dated 3/3/24
11. Final Order Determining Inheritance Taxes
12. Notice of Determination of Inheritance Tax
13. Final Account and Petition for Hearing and Allowance Thereof
14. Order to Examine Final Account
15. Affidavit of Mailing Notices
16. Release
17. Testimony of Robert F. Berdie at hearing on Petition for Probate of Will



18. Petition for Probate of Will
19. Order of Hearing on Petition for Probate of Will
20. Affidavit of Publication Order for Hearing on Probate of Will
21. Proof of Will
22. Last Will and Testament of Mathilde M. Zien
23. Certificate of Probate of Will
24. Order Admitting Will to Probate and Appointing Executor
25. Bond and Oath of Representative
26. Order Limiting Time for Settlement of Estate
27. Proof of Claim
28. Affidavit of Publication on Hearing on Claims
29. Itemized Claim and Verification
30. Order for the Appointment of Appraisers in Estates
31. Itemized Claim and Verification
32. Order on Claim of American Exchange National Bank
33. Inventory and Appraisement
34. Order on Claim of Martini's Bakery
35. Order on Claim of Duluth Van & Storage Co.

36. Order for Adjournment
37. Order on Claim of Eustis Loan and Realty Co.
38. Letters of Administration with Will Annexed
39. Certified Transcript of Letters of Administration with Will annexed
40. Order Allowing Final Account
41. Final Decree Assigning Residue of Estate
42. Order Discharging/Representative and Surety



**OFFICIAL RECEIPT**  
**Lake County Court Administrator**  
**601 Third Avenue**  
**Two Harbors, MN 55616**

Payor  
Dr. Doug Berdie

Receipt No.  
**0038-2017-00267**

Transaction Date  
03/6/2017

Description	Amount Paid
Miscellaneous Payment	
Misc Plain Copy - Single	10.00
<b>SUBTOTAL</b>	<b>10.00</b>
<b>PAYMENT TOTAL</b>	<b>10.00</b>
Check (Ref #6433) Tendered	10.00
Total Tendered	10.00
Change	0.00
03/06/2017 12:43 PM	Cashier Station 38ostern
	Audit 1643959244

**OFFICIAL RECEIPT**