

The Filson Historical Society

Mss.

A Haldeman Family  
H159 Papers, 1843-1985.  
259

Eckstein Norton Papers, documents  
regarding Lucy Helm and John L. Helm,  
1915-1917.

82x53

[14 May 1915]

6.4.1917

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I, JOHN L. HELM, of the County of Hardin and State of Kentucky, do make this my last will, hereby revoking all others heretofore made by me.

ITEM FIRST:

I direct that all my just debts and funeral expenses be paid, including a suitable monument for myself and my sister Mary, the selection of which to be left to my wife, LUCY A. HELM.

ITEM SECOND:

I appoint the FIDELITY AND COLUMBIA TRUST COMPANY of Louisville, Kentucky, executor<sup>of</sup> and trustee under this will, with all the powers conferred and duties imposed upon it by this will or by the law of the land. I have an agreement with the Executor and Trustee herein as to its compensation for services to be rendered hereunder, which agreement is expressed in a letter placed with this will, though not made a part hereof.

ITEM THIRD:

I hereby bequeath and devise to my wife, LUCY A. HELM absolutely all of my carriages and appurtenances thereto, carriage horses and all household furnishings of every description including china, plate, portraits, pictures, library, rugs, carpets and other similar furnishings. This is in addition to her interest in my trust estate hereinafter provided.

ITEM FOURTH:

I hereby devise to my said Trustee in fee-simple what is known as the family burying-ground on my old farm in Hardin County, Kentucky, known as "HELM PLACE" which I have recently sold, reserving a suitable passway connecting said burying-ground with the public road on which the main house fronts, the said passway and burying-ground having been expressly excepted out of said farm at the time I sold same. The said family burying-ground and passway are to be held by my Trustee in perpetuity as the last resting place of such members of my family as have already been buried there and such members of my family as may

5928

hereafter be buried therein by the consent of my wife, if living, and of my said Trustees

I further give and bequeath to my said Trustee the sum of THREE HUNDRED (\$300.00) DOLLARS to be invested by it as a trust fund for the maintenance in good order of said burying-ground and passway, the income only of said trust fund to be used for such purpose from time to time as the situation may require, or as the amount of accumulated income may justify. My said Trustee shall have full power to change the investment of said trust fund from time to time in its discretion, and any purchaser of any part of said trust fund shall not be required to look to the application of the purchase money.

ITEM FIFTH:

During the life of my sister, EMILY H. MARRIOTT now residing at Nicholasville, Kentucky, I direct my Executor and Trustee to pay to her the sum of FIVE HUNDRED (\$500.00) DOLLARS per annum. This to be paid to her in semi-annual, quarterly or monthly installments as she may prefer.

ITEM SIXTH:

All the residue of my estate of every character and description and wheresoever situated shall be divided into two equal portions and same are hereby devised and bequeathed respectively as follows:

1 One equal portion or one-half of said residue is hereby devised and bequeathed to my Trustee hereinbefore named in trust to hold, use and manage the same and to collect the income or dividends therefrom and pay over the same as herein directed, and with full power to sell, assign or convey all or any part of the property herein devised or bequeath to said Trustee, and to collect the proceeds of said sale and invest and re-invest the same from time to time as may seem proper to said Trustee in its discretion:

PROVIDED, however, that as to all of my property in this item devised to said Trustee the consent of my wife, LUCY A. BELL, during her life to any change of investment shall be required before my said Trustee shall have power to make such change.

The purchaser from said Trustee of any part of the trust

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estate sold by it pursuant to the terms of this will, shall not be required to look to the application of the purchase money.

Said Trustee shall hold the estate herein devised to it, and all proceeds or avails upon the following terms, trusts and conditions to wit:-

(a) During the life of my wife, LUCY A. HELM, my Trustee shall pay over to her as the same accrues all of the income from the trust estate provided for in this clause of my will after deducting all proper expenses and charges against the same, which income shall be subject, however, to the charge provided for in ITEM FIFTH of this will.

(b) Upon the death of my said wife the trust estate provided for in this clause of my will shall be divided into separate trust funds of equal value, one for each of my children then living and one for each of my children who may have theretofore died leaving children or descendants, such children or descendants taking the share which the parent, if living, would have taken, and said several trust estates shall be separately invested, held, managed and used by my said Trustee as separate trusts upon the same terms and with the same powers hereinbefore provided as to each of said separate trust funds during the lives of my said children respectively, and as each of my said children shall thereafter die the trust as to his or her share shall cease and the trust estate held for his or her benefit by said Trustee shall be then paid over and distributed by it in fee-simple free of any trust to his or her children, if any, in equal shares, and if none, then in equal shares per stirpes to my other children then living, and the children of such as may have theretofore died, and in like manner at the death of the last of my said children any trust provided in this will for the benefit of any of the descendants of my children shall cease and said estate so held in trust for such descendants shall be by my Trustee distributed and paid over to them respectively in fee-simple, free of any trust.

The other one-half or equal portion of said residue is hereby devised and bequeathed in equal portions to my children who may be living at the time of my death and to the children or descendants of such as may have theretofore died leaving children or descendants, in such case the children or descendants of the child so dying to take the share which the parent or ancestor if living would have taken, - all, however, subject to these limitations:

(a) I direct that all advancements heretofore or hereafter made by me to any of my children or descendants ( a complete record of which advancements will be found in a book of advancements keep by me ) shall be charged against their respective portions or shares of my estate as given to them in this clause (2) of my will to the end that equal justice be done to them all.

(b) Each child who shall have attained the age of twenty-five (25) years at or prior to the time of my death shall be entitled to take and shall receive the portion devised to him or her under this clause (2) of my will in fee-simple free of any trust.

(c) As to such of my children as shall not have attained the age of twenty-five (25) years prior to my death it is my will and I hereby direct that the share given in this clause (2) of my will to said child shall be held in trust for him by my said Trustee who shall hold, use and manage said property as hereinbefore provided, and with respect thereto shall have the same powers as are hereinbefore conferred upon said Trustee, and shall pay over to such child as it accrues the income from his or her share of the estate devised or bequeathed in this clause (2) of my will until such child attains the age of twenty-five (25) years when the share in this clause (2) devised to him or her shall be paid over and delivered to him in fee-simple by said Trustee together with any accumulated income therefrom.

ITEM SEVEN

I expressly direct and request that no inventory or appraisement of my estate be filed in any court by my executor.

ITEM EIGHT

My estate may, or may not, have certain securities the retention of which as permanent investments may be questioned by the

Trustee, as to these, if any there be, I direct my executor and trustee to consult with my wife, Lucy A. Helm, whose written directions in each instance shall be conclusive.

ITEM NINE

I have provided in Item Six that my estate be divided into two equal portions for the purposes therein set out. It is my desire and I direct that said division shall not be made until such time as, in the judgment of my wife and my executor and trustee, the investments of my estate and the securities held therein shall be in such form and condition as to render such division wise and practical; as it is not my intention that my wife and executor be compelled to sell any securities or change any investments into others more suitable for a trust fund, until such time as they may jointly determine.

IN TESTIMONY WHEREOF witness my signature this May 14, 1915.

John L. Helm

The foregoing instrument of writing was signed by John L. Helm and by him declared to be his last will and testament in our presence, and we in his presence and at his request, and in the presence of each other, have hereto subscribed our names as witnesses this 14 day of May, 1915.

C. E. Claggett  
L. W. Botts

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I, John L. Helm, being of sound mind and disposing memory do hereby make and declare this to be a codicil to my last will heretofore executed by me on May 14th, 1915.

ITEM ONE - In Item Sixth of my original will I directed that my estate should be divided into two equal portions, one equal portion, or one-half of said estate being bequeathed and devised to my Trustee therein named, upon certain terms and conditions; and the other one-half of my estate being devised and bequeathed in equal portions to my children upon certain limitations. I now desire to enlarge this trust and hereby devise and bequeath all of my estate (embraced in Item Sixth of my original will) of every character and description and wheresoever situated, to my Trustee named in my original will, with the same powers therein given to it and upon the same terms and conditions, except as herein changed.

Subsection (a) of Section I of Item Sixth of said will is now changed in that my Trustee is directed to pay to my wife, Lucy A. Helm, during her life, one-half of the net income from the whole of my said trust estate, instead of all the income from the one-half of my estate which was placed in trust under my original will; the other one-half of the net income to be, during the life of my wife, divided equally among my children, the issue of any who shall die, leaving issue, to receive the share of the parent.

Subsection (b) of Section I of Item Sixth of my said will shall remain unchanged.

Section 2 and subsection (a), (b) and (c) of said Item Sixth of my original will are hereby revoked, cancelled and set aside, and in lieu thereof I direct that all advancements heretofore or hereafter made by me to any of my children or descendants (a complete record of which advancements will be found in a book of advancements kept by me) shall be charged against their respective portions or shares of my trust estate to the end that equal justice be done to them all.

Item Ninth of my original will is hereby revoked, cancelled and set aside.

I hereby reaffirm my said original will in all particulars except as changed in this codicil.

IN TESTIMONY WHEREOF witness my signature this 4th day of June, 1917.

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The foregoing instrument of writing was signed by John L. Helm and by him declared to be a codicil to his last will and testament in our presence, and we, in his presence and at his request, and in the presence of each other, have hereto subscribed our names as witnesses this 4th day of June, 1917.

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The Filson Historical Society



*Mrs. Norton*

FIDELITY AND COLUMBIA TRUST COMPANY  
Capital and Surplus \$2,775,000

Louisville, Ky., July 19, 1917

To the widow and children,  
the beneficiaries under  
the will of JOHN L. HELM, deceased.

Mr. Helm died on June 7th, 1917.

His will of date May 14th, 1915, a copy of which is hereto attached, was probated on June 18, 1917 in the Hardin County Court at Elizabethtown, Kentucky. Our Company qualified as Executor and Trustee, giving bond as Executor in the sum of \$500,000.00, and as Trustee in the sum of \$250,000.00. The Court, Judge Rider presiding, appointed W. C. Montgomery, Horace Hays and L. A. Faurest appraisers of the estate.

The first item of the will directs-

The payment of his debts and funeral expenses - a detailed list of which with the inheritance taxes is hereto attached, showing those we have paid and those we have not yet paid.

The second item of the will appoints-

Our Company Executor and Trustee with the declaration that an agreement has been made covering our compensation. The letter referred to bears date January 27, 1913 and fixes the Executors' compensation at 2% of the value of the estate, and the Trustee's compensation at 2 1/2% of the income received.

The third item of the will bequeaths-

To Mrs. Lucy A. Helm the carriages and appurtenances, carriage horses, all household furnishings, china, plate, portraits, pictures, library, rugs, carpets and other similar furnishings.

The fourth item of the will devises-

To us as Trustee the family burying ground on the Home Place at Elizabethtown, Kentucky. To provide for the maintenance of this burying ground the sum of Three Hundred (\$300.00) Dollars is bequeathed to the Trustee, the interest from which is to be used for that purpose.

The fifth item of the will directs-

The Trustee to pay to Mrs. Emily H. Marriott Five Hundred (\$500.00) Dollars per annum during her life. Mrs. Marriott having predeceased Mr. Helm this clause of the will is inoperative.

The sixth item of the will, which is the residuary clause, directs-

That the remainder of the estate, that is to say after provision has been made for the foregoing items, shall be divided into two equal parts. One part, or one-half, the will directs shall be held in trust the income from which shall be paid to Mrs. Lucy A. Helm during her life. At her death the principal of the trust fund shall be

shall be divided into separate trust funds of equal value, one for each of his children then living and one for the child or children of any of his children who may have died. Each of said separate trusts shall cease and determine at the death of the first named beneficiary and the principal of the trust fund shall be distributed to the child or children of the deceased, if none, then to his or her brothers and sisters, and the child or children of those who may have died. The remaining part, or one-half, is bequeathed in equal portions to his children, to be distributed to them as and when they shall severally arrive at the age of twenty-five years, which means that upon the settlement of the estate distribution can be made to all of the children except George W. Helm whose share the will directs shall be held in trust until he arrives at the age of twenty-five.

Paragraph "a" of Item Sixth states that certain advancements had been made to the children a record of which had been kept in a book. These advancements the will directs shall be charged against the children in order to make the shares of all the children equal.

On the 17th day of November 1916 Mr. Helm executed a trust agreement with our Company, a copy of which is hereto attached, in which he placed with us in trust certain bonds of the par value of \$36,000.00. On that date the book of advancements, mentioned in the will, showed that advancements had been made:

To John L. Helm, Jr -	\$13,187.67
" Bessie Helm Botts -	7,600.00
" Emily Helm -	Nothing
" Jane Helm Norton -	Nothing
" George W. Helm -	Nothing

In order to equalize the children with respect to these advancements, the deed of trust provides the interest of each child in the trust fund of \$36,000,000 of bonds as follows:-

To John L. Helm, Jr -	Nothing
" Bessie Helm Botts -	3/36th \$3,000.00
" Emily Helm -	11/36th 11,000.00
" Jane Helm Norton	11/36th - 11,000.00
" George W. Helm	11/36th - <u>11,000.00</u>

A TOTAL OF - \$36,000.00

As the deed of trust states, this division is made for the purpose of equalizing his children and to adjust the advancements therefore made to some of them.

No advancements subsequent to the date of the trust agreement as shown by the book of advancements, were made to any of the children. So that the deed of trust adjusts all advancements and each of the children will therefore share equally in the division of the one part, or one half, of the estate which the will directs to be distributed to them.

Having stated the provisions of the will and the terms of the deed of trust we will first consider the debts, funeral expenses, inheritance, etc.

NAME OF SECURITY	PAR VALUE	COST PRICE	APPRAISED VALUE	ANNUAL INCOME	RETURN ON APPRAISED VALUE
BOND					
Pascagoula St Rwy & Power Co -	35,000.00	28,000.00	8,750.00	0	0
STOCKS					
Atlantic Coast Line R. R., Common -	12,100.00		13,310.00	605.00	4.54%
Benton Harbor-St. Joe Rwy & Lt Co, Pfd -	1,100.00		825.00	66.00	8 %
Benton Harbor-St. Joe Rwy & Lt Co, Common	8,400.00		3,360.00	0	0
Bourbon Stock Yards Company -	10,000.00		9,000.00	600.00	6.66%
Central Home Tel. & Telegraph Co -	6,000.00		1,200.00	120.00	10. %
Citizens Trust Co., Elizabethtown, Ky-	1,000.00		1,160.00	60.00	5.17%
Elizabethtown Milling Company-	1,400.00		840.00	70.00	8.33%
+ Federal Chemical Co., Preferred-	140,800.00		140,800.00	8,448.00	6. % <i>Per</i>
+ Federal Chemical Co., Preferred 50% paid.	35,500.00	17,750.00	17,750.00	2,130.00	12. % <i>50</i>
+ Federal Chemical Co., Common-	143,000.00		128,700.00	8,580.00	6.66% <i>will pay</i>
Fidelity and Columbia Trust Co-	12,300.00		27,675.00	1,230.00	4.44%
First Hardin Nat'l Bank-	5,000.00		12,000.00	600.00	5. %
International Traction Co, Preferred-	20,000.00		18,000.00	1,400.00	7.77%
Jackson Rwy and Light Co, Pfd -	10,800.00		7,560.00	648.00	8.57%
Jackson Rwy and Light Co, Common-	13,000.00		3,900.00	390.00	10 %
Kansas City Rwy Co, Common -	13,333.34		13,333.34	0	0 %
Kansas City Light & Power Co, Common	6,666.66		2,200.00	0	0 %
Louisville Auditorium Association	1,000.00		0	0	0 %
Louisville & Nashville R.R. Co	12,000.00		15,000.00	840.00	6.60%
Forwarded -			415,363.34	25,787.00	

Forwarded - \$11,227,308 \$415,363.34 \$25,787.00

Louisville Property Company	100.00		30.00		0. %
Pascagoula Street Rwy & Power Co-	35,000.00	0	0		0 %
Rome Rwy & Light Co., Preferred-	8,300.00		5,810.00	498.00	8.57%
Rome Rwy & Light Co., Common -	53,700.00		16,110.00	2,148.00	13.33%
Tobacco Realty Company -	500.00	500.00	250.00		0
Union National Bank -	24,900.00		66,234.00	2,988.00	4.51%
Hardin County Fair Ass'n-	300.00		0	0	0
Polled Durham Breeders Ass'n	100.00		0	0	0
Bowling Green Nat'l Park (in liquidation) -	10,000.00		0	0	0
United States Steel Corporation Common-	100,000.00		200,000.00	8,000.00	4. %
Atchison, Topeka & Santa Fe R.R. Co	30,000.00		30,000.00	1,800.00	6. %
American Car and Foundry Common-	40,000.00		30,000.00	1,600.00	5.33%
Cash -	11,330.72		11,330.72	566.50	5. %

GROSS ESTATE -

\$775,128.06 \$43,387.50 5.60%

CLAIMS AGAINST THE ESTATE OF JOHN L. HELM, DECEASED

Pendennis Club	May account -	44.74
Jacob Schulz Co-		74.35
Zapp & Short Co-		14.09
Notary's Certificate -		1.00
Jno. P. Glass Co-		51.60
The Bruce Company -		2,235.00
Louisville Gas & Elec. Co-		5.22
Andrew Diehl-		17.25
Western Union Telegraph Co-		1.19
Louisville Water Co-		2.30
L. D. Pearson and Son -		516.00
John Hardy -		52.08
J. E. Kilgus-		10.65
Postal Tel. Cable Co-		1.65
A. J. Dresel -		83.06
Jennie C. Benedict & Co-		9.77
Fred W. Keisker and Son -		155.50
J. Dolfinger and Co-		7.66
Byrbe and Speed Co-		14.00
G. Bittner's Sons -		161.85
Dow Wire and Iron Works-		58.10
G. Bauer Co-		11.90
D. H. Ewing's Sons -		17.06
Lewis Stephan -		8.00
Louisville & Nashville R. R. Co-		106.00
George Ramser's Sons -		7.35
T. W. Lindsay -		90.80
Mrs. Lucy A. Helm, household expenses -		225.00
W. Edwin Russell-		508.50
Pendennis Club June account (not paid)		20.74
Louisville Public Warehouse Co- " "		197.86
Walker Bros:		
as of June 7, 1917		
1600 Shares U. S. Steel Common		
300 " Atchison, Topeka &		
Santa Fe Common		
400 " American Car and		
Foundry Co, Common-		47,946.25
Fidelity and Columbia Trust Co-		
120 Shares Louisville & Nashville		
100 " Federal Chemical Co, Pfd		17,600.00
TOTAL CLAIMS -		<u>\$70,256.52</u>
Elizabethtown Burying-ground -		300.00
United States Government		
Inheritance tax -		35,000.00
State of Kentucky		
Inheritance tax -		10,000.00
Executor's 2% as agreement provides		
estimated -		<u>15,000.00</u>
<u>TOTAL ESTIMATED DEDUCTIONS -</u>		<u>\$130,556.52</u>

Value of the estate as stated above in detail - \$775,528.06  
Deductions as stated in detail above - 130,556.52

NET VALUE OF THE ESTATE - \$644,971.54

One half of the net residue of the estate as Item Sixth of Mr. Helm's will directs shall be held in trust, the income from which to be paid to Mrs. Helm during her life -

One half of \$644,571.54 -		322,285.77
which as at present invested will produce an annual income of -		17,725.00

From this deduct the 2½% the rate to be charged under the agreement between Mr. Helm and the Trust Company	443.12	
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State taxes on about \$150,000 subject to taxation at 40% per \$100 -	<u>600.00</u>	<u>1,043.12</u>
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<u>NET ANNUAL INCOME -</u>		16,681.88
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<u>EQUAL TO PER MONTH -</u>		1,390.15
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The remaining half, the same clause in the will directs shall be distributed in equal shares to the children as they severally arrive at the age of twenty-five years. George being the only one under the age, distribution will be made to all except to him.

One Fifth of \$322,285.77 =	\$64,457.15	\$257,828.60
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The remaining one-fifth belonging to George to be held in trust until he arrives at the age of twenty-five years -

<u>64,457.17</u>
<u>\$322,285.77</u>

George's one fifth -	\$64,457.17	
will as at present invested produce an annual income of -		3,545.14

From this deduct 2½%, the rate fixed by the agreement -	88.63	
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State taxes on about \$20,000 at 40% -	<u>80.00</u>	<u>168.63</u>
<u>NET ANNUAL INCOME -</u>		<u>3,376.51</u>

<u>Equal to per month -</u>		281.37
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The \$36,000.00 of bonds cover by the Trust Agreement have been distributed according to the terms of said agreement and are now held thereunder as follows:

For account Bessie Helm Botts -	3,000.00
" " Jane W. Norton -	11,000.00
" " Emily Helm -	11,000.00
" " George W. Helm -	11,000.00
	<u>\$36,000.00</u>

These bonds all bear 5% interest.

The annual return therefrom will be:

Bessie Helm Botts on \$3,000	\$150.00	
Less 2½% commission	<u>3.75</u>	
NET ANNUAL INCOME -		\$146.25
Jane W. Norton on 11,000	550.00	
Less 2½% commission	<u>13.75</u>	
NET ANNUAL INCOME -		\$536.25
Emily Helm on - 11,000	550.00	
Less 2½% commission	13.75	
Taxes on about \$8,000 @ 40%	<u>32.00</u>	
NET ANNUAL INCOME -	<u>45.75</u>	\$504.25
Geo. W. Helm on 11,000	550.00	
less 2½% commission	13.75	
Taxes on about \$8,000 @ 40%	<u>32.00</u>	
NET ANNUAL INCOME -	<u>45.75</u>	\$504.25

George's income through the Trustee will therefore be -

Trustee under the will -	3,376.51
Trustee under the agreement -	<u>504.25</u>
	3,880.76

PER MONTH - 323.39

With the cash on hand as shown in the statement of assets-

11,330.72

and the proceeds of sale of 400 shares of American Car and Foundry Co stock-

30,462.50  
41,793.22

TOTAL -

We have paid all of the claim as set forth in the list above of \$4710.27 (except the Pendennis Club and the Louisville Public Warehouse Co, which have not been verified) to wit -

Paid Walker Bros - claim and interest-	<u>4491.67</u>	52,704.66
	<u>48212.99</u>	

Deducting the receipts as stated of \$41,793.22 from the total of \$130,556.52, as listed above, leaves about \$88,763.30 that is to be provided for, which brings us to the consideration of the investments now held in the estate.

The United States Steel Common stock with a valuation of \$200,000.00 represents about 30% of the total net value of the estate

The Federal Chemical Company preferred with  
a value of - 158,550.00

and the Common with a value of - 128,700.00  
A TOTAL OF - 287,250.00

represents about 44% of the total value of the estate. Adding these two items we find that 74% of the entire estate is invested in two industrials. Granting, which is true, that both concerns are financially strong, well managed and worthy of the public confidence they enjoy in large measure, yet 74% of the whole estate in these two items is out of proportion, and in so much as about \$89,000.00 will be required to clear the estate, should we not consider the sale of a part of both of the two stocks?

This statement is necessarily, to an extent, based upon estimates, but in the main we believe it to be substantially accurate, sufficiently so for the members of the family to have a fair idea of the situation.

Very truly



Vice-President



COPY

OF WILL OF

JOHN L. HELM, DECEASED

DATED MAY 14, 1915

The Filson Historical Society

I, John L. Helm, of the county of Hardin and state of Kentucky, do make this my last will hereby revoking all others heretofore made by me.

ITEM FIRST:

I direct that all my just debts and funeral expenses be paid, including a suitable monument for myself and my sister Mary, the selection of which to be left to my wife, LUCY A. HELM.

ITEM SECOND: I appoint the FIDELITY AND COLUMBIA TRUST COMPANY OF Louisville, Kentucky, Executor of and Trustee under this will, with all the powers conferred and duties imposed upon it by this will or by the law of the land. I have an agreement with the Executor and Trustee herein as to its compensation for services to be rendered hereunder, which agreement is expressed in a letter placed with this will, though not made a part hereof.

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ITEM FOUR: I hereby devise to my said trustee in fee simple what is known as the family burying ground on my old farm in Hardin County, Ky., known as "HELM PLACE" which I have recently sold, reserving a suitable pass-way connecting said burying ground with the public road, on which the main house fronts, the said pass-way and burying ground having been expressly excepted out of said farm at the time I sold same. The said family burying ground and pass-way are to be held by my trustee in perpetuity as the last resting place of such members of my family as have already been buried there and such members of my family as may hereafter be buried therein by the consent of my wife, if living, and of my said trustees.

I further give and bequeath to my said trustee the sum of THREE HUNDRED (\$300.00) DOLLARS to be invested by it as a trust fund for the maintenance in good order of said burying ground and pass-way, the income only of said trust fund to be used for such purpose from time to time as the situation may require or as the amount of accumulative income may justify. My said trustee shall have full power to change the investment of said trust fund from time to time in its discretion and any purchaser of any part of said trust fund shall not be required to look to the application of the purchase money.

ITEM FIFTH: During the life of my sister, EMILY H. MARRIOTT now residing at Nicholasville, Ky. I direct my Executor and Trustee to pay to her the sum of FIVE HUNDRED (\$500.00) DOLLARS per annum. This to be paid to her in semi-annual quarterly or monthly installments as she may prefer.

ITEM SIXTH: All the residue of my estate of every character and description and wheresoever situated shall be divided into two equal portions and same are hereby devised and bequeathed respectively as follows:-

1. One equal portion or one-half of said residue is hereby devised and bequeathed to my trustee hereinbefore named in trust to hold, use and manage the same and to collect the income or dividends therefrom and pay over the same as herein directed, and with full power to sell, assign or convey all or any part of the property herein devised or bequeathed to said trustee, and to collect the proceeds of said sale and invest and reinvest the same from time to time as may seem proper to said trustee in its discretion.

PROVIDED, However, that as to all of my property in this item devised to said trustee the consent of my wife LUCY A. HELM during her life to any change of investment shall be required before my said trustee shall have power to make such change.

The purchaser from said trustee of any part of the trust estate sold by it pursuant to the terms of this will, shall not be required to look to the application of the purchase money.

Said trustee shall hold the estate herein devised to it, and all proceeds or avails upon the following terms, trusts and conditions, to wit:

(a) During the life of my wife LUCY A. HELM my trustee shall pay over to her as the same accrues all of the income from the trust estate provided for in this clause of my will after deducting all proper expenses and charges against the same which income shall be subject however to the charge provided for in ITEM FIFTH of this will.

(2) .

(b) Upon the death of my said wife, trust estate provided for in this clause of my will shall be divided into separate trust funds of equal value, one for each of my children then living and one for each of my children who may have theretofore died leaving children or decendants, such children are decendant, taking the share which the parents, if living, would have taken and several trust estates shall be separately invested, held, managed and used by my said trustee as separate trust upon the same terms and with the same powers hereinbefore provided as to each of said separate trust funds during the lives of my said children respectively and as each of my said children shall thereafter die, the trust as to his or her share shall cease and the trust estate held for his or her benefit by my said trustee, shall be then paid over and distributed by it in fee simple free of any trust to his or her children, if any, in equal shares, and if none, then in equal shares per stirpes to my other children then living, and the children of such as may have theretofore died, and in like manner at the death of the last of my said children any trust provided in this will for the benefit of any of the decendants of my children shall cease and said estate so held in trust for such decendants, shall be by my trustee distributed and paid over to them respectively in fee simple, free of any trust.

(2) The other one-half or equal portion of said residue is hereby devised and bequeathed in equal portions to my children who may be living at the time of my death and to the children or decendants of such as may have therefore died leaving children or decendants and in such case the children or decendants of the child so dying to take the share which the parent or ancestor if living would have taken, all, however, subject to these limitations,

(a) I direct that all advancements heretofore or hereafter made by me to any of my children or decendants ( a complete record of which advancements will be found in a book of advancements kept by me) shall be charged against their respective portion or shares of my estate as given to them in this clause (2) of my will to the end that equal justice be done to them all.

(b) Each child who shall have attained the age of twenty five (25) years, at or prior to the time of my death shall be entitled to take and shall receive the portion devised to him or her under this clause (2) of my will in fee-simple free of any trust.

(c) As to such of my children as shall not have attained the age of twenty five (25) years prior to my death it is my will and I hereby direct that the share given in this clause (2) of my will to said child shall be held in trust for him by my said trustee who shall hold, use and manage said property as hereinbefore provided and with respect thereto shall have the same powers as are hereinbefore conferred upon said trustee and shall pay over to such child as it accrues the income from his or her share of the estate devised or bequeathed in this clause (2) of my will until such child attains the age of twenty five (25) years when the share in this clause (2) devised to him or her shall be paid over and delivered to him in fee simple by said trustee together with any accumulative income therefrom.

ITEM SEVEN. I expressly direct and request that no inventory or appraisement of my estate be filed in any Court by my Executor.

ITEM EIGHT. My estate may, or may not, have certain securities the retention of which as permanent investments may be questioned by the trustee, as to these if any there be, I direct my Executor and trustee to consult with my wife, LUCY A. HELM, whose written directions in each instance shall be conclusive.

ITEM NINE. I have provided in ITEM SIX that my estate be divided into two equal portions for the purposes therein set out. It is my desire and I direct that said division shall not be made until such time as, in the judgment of my wife and my Executor and Trustee, the investments of my estate and the securities held therein shall be in such form and condition as to render such division wise and practical; as it is not my intention that my wife and Executor be compelled to sell any securities or change any investment into others more suitable for a trust fund, until such time as they may jointly determine.

In testimony whereof, witness my signature this May 14, 1915

John L. Helm

The foregoing instrument of writing was signed by John L. Helm and by him declared to be his last will and testament in our presence, and we in his presence and at his request and in the presence of each other have hereto subscribed our names as witnesses this 14th day of May 1915.

C. E. Claggett  
L. W. Botts

At a county court begun and held for Hardin county, at Elizabethtown, Ky. Monday June 18th, 1917, the foregoing instrument of writing purporting to be the true last will and testament of John L. Helm deceased, late of this County who it was proven died on the 7th day of June 1917 resident of thereof and said will dated May 14, 1915, was proven by the testimony of L. W. Botts one of the subscribing witnesses thereto who also proved the signature of C. E. Claggett, the other subscribing witness thereto. Whereupon same is hereby established and adjudged by the Court to be the last will and testament of said testator and ordered to be recorded. Whereupon I have truly recorded the same together with this certificate in my office.

Witness my hand this 18th day of June 1917.

J.L.Irwin, Clerk  
By R.N.Sprigg, D.C.

STATE OF KENTUCKY            )  
  ) Sct.  
HARDIN COUNTY                )

I, J.L.Irwin Clerk of the County Court for the County and State aforesaid certify that the foregoing is a true copy of the will of John L. Helm, Deceased, as it appears of record in this office. Given under my hand and seal this 2nd day of July, 1917.

J.L.Irwin, Clerk  
By R.N.Sprigg, D.C.

The Filson Historical Society

The Filson Historical Society

COPY OF

TRUST AGREEMENT

BETWEEN JOHN L. HELM AND

FIDELITY AND COLUMBIA TRUST COMPANY

DATED NOVEMBER 17, 1916

THIS TRUST AGREEMENT made and entered into at Louisville, Kentucky, this November 17th, 1916, by and between JOHN L. HELM and the FIDELITY AND COLUMBIA TRUST COMPANY, hereinafter called the "Trustee" -

- - W I T N E S S E T H - -

That in consideration of One Dollar, receipt of which is acknowledged, and the love and affection which the first party has for the beneficiaries of the trust herein created, said first party hereby assigns, transfers and delivers to said second party the following property, to wit:-

First Mortgage five per centum Gold Bonds of the Benton Harbor-St Joe Railway and Light Company of the par value of Fourteen Thousand (\$14,000.00) Dollars, dated May 1, 1906 and maturing November 1, 1935, with coupons maturing May 1, 1917, and all subsequent coupons attached.

Also, First Mortgage five per centum Gold Bonds of the Jackson Railway and Light Company of the par value of Twenty-two Thousand (\$22,000.00) Dollars, dated January 1, 1907 and maturing January 1, 1937, with coupons maturing -July -1, 1917 and all subsequent coupons attached.

All of said property to be held by said second party in trust upon the following terms and conditions, Viz:-

1- The Trustee shall have, and is now given, authority to sell any and all of the property transferred under this agreement, to reinvest the proceeds thereof, and to continue to do so from time to time as in its judgment it is to the interests of this trust to do so, provided, that during the life of John L. Helm any proposed sale of the property transferred hereunder, together with the proposed reinvestments of the proceeds thereof, shall be submitted to and approved by him.

2- The net income derived from the trust fund shall be divided in the following proportions among the following children of John L. Helm (the purpose of the division being to equalize said children, taking into account certain advancements heretofore made to his children) to wit:- To Jane W. Norton eleven-thirty-

sixths; to Emily Helm eleven-thirtysixths; to George W. Helm eleven-thirtysixths; and to Bessie Helm Botts three-thirtysixths. The income shall be paid in said proportions to said children in semi-annual installments, except that the proportion of the income belonging to George W. Helm shall be held by the trustee and invested by it until George W. Helm shall attain the age of twenty-seven years, at which time the accumulated income shall constitute a part of the principal on which the income shall thereafter be paid to him in semi-annual installments.

3-

At the death of John L. Helm the trust fund herein created shall be divided into four separate funds of the same proportionate value as the income is divided in Item Two hereof to wit:- Eleven-thirtysixths to Jane W. Norton; eleven-thirtysixths to Emily Helm; eleven-thirtysixths to George W. Helm and three-thirtysixths to Bessie Helm Botts (not taking into account the accumulated income held for George W. Helm heretofore provided for)-one proportionate trust fund for each of said children herein named then living and one proportionate fund for each of said children who may have theretofore died leaving children or descendants, such children or descendants taking the proportionate share which the parent, if living, would have taken; and said several trust funds shall be separately invested, held, managed and used by said trustee as separate trusts on the same terms and with the same powers herein provided, and as each of said children shall thereafter die, his or her share shall be held in trust, and the net income paid to his or her children until they respectively arrive at the age of twenty-one years, at which time an equal part of the parent's share shall be paid to such child, freed from trust. In the event all of the issue of any child should die under the age of twenty-one years, or any child should die without leaving issue then such child's share shall be equally divided between the other trust funds subject to the same conditions.

4- The party of the first part reserves to himself the right to change from time to time the beneficiaries herein named, together with the further right and power to change the proportions thereof with respect to any or all of the beneficiaries named.

5- The party of the first part further reserves the right and power to make additions to the trust fund herein created and to make distribution thereof as between the beneficiaries.

6- It is agreed by and between the parties hereto that the trustee for its services in the administration of this trust shall be paid two and one-half ( $2\frac{1}{2}$ ) per cent commission upon the income derived from the trust fund,

WITNESS OUR SIGNATURES at Louisville, Ky., the date and date first above written.

JOHN L. HELM

FIDELITY AND COLUMBIA TRUST COMPANY

BY L. W. BOTTS  
Vice-President.



[1948]

I, LUCY A. HELM, widow, a resident of Louisville, in Jefferson County, Kentucky, on this \_\_\_\_ day of \_\_\_\_\_, 1948, make this my last Will and hereby revoke all former Wills and Codicils heretofore made by me.

ITEM 1) I direct that my just and legal debts, my funeral expenses and the cost of administering my estate be first paid. I direct that all inheritance taxes and Federal estate taxes that may be assessed against my estate, or against any of the bequests or devises herein made, be paid out of my estate generally.

ITEM 2) I appoint the CITIZENS FIDELITY BANK AND TRUST COMPANY, of Louisville, Kentucky, Executor of this Will, and direct that it, as such Executor, shall have full power to sell and convey, without order of court, for the payment of my just debts, charges and expenses of administration or for the purpose of division, any real or personal property owned by me at the time of my death.

ITEM 3) I devise and bequeath the portrait of JOHN L. HELM, SR. to my daughter, JANE H. NORTON. All of the rest and residue of my household and personal effects, including jewelry and any automobiles, I bequeath to my two (2) daughters, JANE H. NORTON and EMILY M. MacLEAN, to be divided between them according to any plan agreeable to them.

ITEM 4) I give to the following named persons, all residing in Louisville, Kentucky, who have been in my employ, if living at my death, the amounts set opposite his or her name, in fee.

Eliza Gray	\$ 100.00
Ed Slaughter	25.00
Mary Lou Slaughter	25.00

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Anna Metcalfe           \$ 25.00

Alice Pennaman         100.00

I also give to LARUE MACK Twenty-five Dollars (\$25.00), if living at my death and in my employ, and I give a like sum to each of any other servants as may be living and in my employ at the time of my death.

ITEM 5) I have heretofore given to each of the three daughters of my daughter, JANE HELM NORTON, various sums upon which they took trips abroad, and somewhat to equalize with Jane's daughters, I now give and bequeath to my remaining grandchildren who may be living at my death, the sum of One Thousand Dollars (\$1,000.00).

ITEM 6) (a) My original cottage at Wequetonsing, Michigan, and all the contents thereof, including furniture, silver and linen, I give and devise to my daughter, JANE HELM NORTON, to be charged against her interest in my estate at the amount of Five Thousand Dollars (\$5,000.00), and if she does not wish to accept this cottage as a part of my estate passing to her at said price, it shall be offered to any of my other children who desire to take it as a part of their share of my estate, and if none of my children wish to take my cottage at Wequetonsing at that price, then I direct that it become a part of my estate and be sold in the discretion of my Executor.

(b) The "Ferguson" Cottage at Wequetonsing, Michigan, and all the contents thereof, including furniture, silver and linen, I give and devise to my daughter, EMILY HELM MacLEAN, to be charged against her interest in my estate at the amount of \$3,000.00. If my said daughter does

not wish to accept this cottage as a part of my estate passing to her at said price, it shall be offered to any of my other children who desire to take it as a part of their share of my estate, and if none of my children wish to take this cottage at the price stated above, then I direct that it become a part of my estate and be sold in the discretion of my Executor.

ITEM 7) I bequeath to the CAVE HILL INVESTMENT COMPANY, a corporation, of Louisville, Kentucky, its successors and assigns, the sum of Three Thousand Eight Hundred Dollars (\$3,800.00) which sum shall be invested and re-invested and the net income therefrom used for the perpetual care, maintenance and upkeep of my lot No. 112, Section 13 in Cave Hill Cemetery, Louisville, Kentucky.

ITEM 8) (a) All of the rest and residue of my estate, of every kind and description and wheresoever situated, including any property which I may have the right to dispose of by Will at my death, and including all legacies and devises which may lapse, fail, be void or otherwise incapable of taking effect, I bequeath and devise, as follows:

One-fifth (1/5) in fee to my daughter, JANE #. NORTON

One-fifth (1/5) in fee to my daughter, EMILY M. MacLEAN

One-fifth (1/5) in fee to my son, GEORGE W. HELM

The share of any of said three children of mine who may not be living at my death shall pass in fee and per stirpes to the descendants (living at my death) of such deceased child, and if there are no such descendants, then such share shall go equally as the other shares go to the beneficiaries named in this Item 8.

(b) One-fifth (1/5) to the CITIZENS FIDELITY BANK AND TRUST COMPANY, a Corporation of Louisville, Kentucky, to be designated "Fund A" and held by it in trust

for my grand-daughter, LUCY BOTTS BADGER, upon the following terms and conditions:

I. The Trustee is directed to pay to my grand-daughter, LUCY BOTTS BADGER, the entire net income from Fund A so long as she may live.

II. Upon the death of my grand-daughter, LUCY BOTTS BADGER, the trust for her benefit shall terminate and the Trustee is directed to distribute the remainder of Fund A then in its hands unto the <sup>her issue</sup> issue of my grand-daughter, LUCY BOTTS BADGER, in fee and per stirpes.

(c) One-fifth (1/5) to the CITIZENS FIDELITY BANK AND TRUST COMPANY, a Corporation of Louisville, Kentucky, to be designated "Fund B" and held by it in trust for ANNE B. HELM and JOHN L. HELM, IV, my grand-children, upon the following terms and conditions:

I. The Trustee is directed to divide Fund B into two (2) parts of equal value, which shall be known as "Fund B-1" for the benefit of my grand-daughter, ANNE B. HELM and "Fund B-2" for the benefit of my grand-son, JOHN L. HELM, IV.

II. The Trustee is directed to pay the entire net income from Fund B-1 to my grand-daughter, ANNE B. HELM until she shall attain the age of fifty (50) years, at which time she shall receive, in fee, the entire remainder of Fund B-1 then in the hands of the Trustee.

The Trustee is directed to pay the entire net income from Fund B-2 to my grand-son, JOHN L. HELM, IV, until he shall attain the age of fifty (50) years, at which time he shall receive, in fee, the entire remainder of Fund B-2 then in the hands of the Trustee.

IV. If either ANNE B. HELM or JOHN L. HELM IV should die during the continuance of the trust for his

or her benefit, then the remainder of such grand-child's trust fund then in the hands of the Trustee shall pass in fee and per stirpes unto the then living issue of the grand-child so dying. If either ANNE B. HELM or JOHN L. HELM IV should die and leave no issue then surviving, then the remainder of the trust fund of such grand-child shall pass over and become a part of the trust fund of the surviving grand-child, to be held and distributed as that <sup>trust</sup> fund is directed to be held and distributed.

(d) As to all of the trusts created herein, the Trustee shall have the following powers and duties: -

The Trustee shall invest and maintain invested the principal of the trust estate, shall collect and receive the income therefrom, pay all ad valorem taxes and incidental expenses of the trust out of said income, and shall have full power to hold, manage and control the estate. The Trustee shall have full power to sell for re-investment or other purposes of the trust, at public or private sale, on such terms and conditions as it may designate, all or any part of the principal of the trust estate and shall be authorized to invest in real estate or in such securities as it may consider advantageous investments, whether or not they meet the requirements of the Kentucky law governing trust investments. Said powers of the Trustee shall be continuing, shall not be exhausted by the exercise or repeated exercise thereof, and are intended to include the full power to sell, convey, lease, mortgage (including mortgages to the Trustee in its individual capacity), repair and improve, and to take any and all other steps with regard to any real estate that may at any time be a part of the principal of the trust estate. Any lease of such real estate or contract with regard thereto made by the Trustee shall be binding for the full period of the lease or contract, though said period should extend beyond the termination of the trust.

ITEM 9) Against the shares of my children and my estate, no gifts made to any of them by me in my lifetime shall be charged as advancements.

IN TESTIMONY WHEREOF, I subscribe my name to this Will, consisting of this and five (5) preceding pages, typewritten on one side only of each page, and for the purpose of identifying said preceding pages, I have also subscribed my name at the bottom of each of said pages, all on this the day and year first hereinabove written.

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We, the undersigned, hereby certify that the foregoing instrument of writing, consisting of this and five (5) preceding typewritten pages, was this day produced to us by LUCY A. HELM, and in our joint presence signed and acknowledged by her to be her last Will, and we now at her request and in her presence, and in the presence of each other, subscribe our names hereto as witnesses to said Will, and for the purpose of identifying said preceding pages, we have in the lower left-hand corner of each of said pages, subscribed our initials, all on this the \_\_\_ day of \_\_\_\_\_, 1948.

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APPRAISAL OF ARTICLES IN DARTMOUTH APARTMENT NO. 11-A  
 Made February 24, 1955  
 For The Estate Of  
 LUCY A. HELM  
 Who Died February 16, 1955  
 CITIZEN'S FIDELITY BANK & TRUST CO., EXECUTORS

1 lot Wall-to-wall carpeting (worn)	50.00
2 small carved cabinets	50.00
4 upholstered arm chairs	40.00
2 high back chairs	20.00
1 large painted bookshelf	27.50
1 lot ornaments and books	15.00
1 room air conditioner	75.00
1 occasional arm chair	22.50
1 small bedside table	7.50
1 nest of 3 tables	15.00
1 overstuffed couch	27.50
1 knee-hole desk and chair	32.50
1 pr. polychrome table lamps	17.50
2 small oval tables	15.00
1 small tripod table	7.50
1 nest of 4 tables	25.00
1 table radio	12.50
1 brass floor lamp	12.00
1 " fire fender	20.00
1 pr. " andirons	10.00
1 pr. "angel" ornaments	7.50
1 small tilt top table	8.50
1 small oriental rug	17.50
1 half-round green table	17.50
1 old Chickering piano-bad condition	100.00
2 gilt framed paintings	25.00
1 3-pc. glass and ormolu epergne and vase set	50.00
1 old wheel chair	7.50
1 small drop leaf coffee table	6.00
1 upholstered fireside seat	22.50
1 lot packing trunks	15.00
2 cornishes	5.00
1 marble top metal console table	17.50
1 etched frame mirror	7.50
1 large glass vase-ormolu bound	17.50
1 carved hall chair	12.50
1 colored picture	7.50
1 small book shelf and books	8.00
1 telephone table	5.00
2 floor fans	20.00
1 small electric fans	2.50
1 " " heater	2.00
1 dining suite	75.00
2 large flowered paintings	25.00
2 small " "	17.50
3 colored pictures	25.00
1 pr. large milk glass vases	22.50
7 Sheffield trays	105.00
1 4-pc. " tea set	20.00
1 6-pc. plated tea set	24.00
1 small plated tray with cream and sugar	5.00
1 lot flat silverware-approximately 185 pcs.	200.00
4 small plated trays	10.00
1 silver loving cup-engraved	7.50
2 silver mounted decanters	7.50
4 plated candlesticks	2.50
1 lot odd plated sugar bowls etc	7.50
1 pr. Sheffield vegetable dishes	15.00
1 lot plated salt cellers	10.00
1 small silver nut dish	5.00
1 plated salad fork and spoon	2.75

1 plated water pitcher	3.50
1 Eureka vacuum sweeper	7.50
1 three fold screen	10.00
1 kitchen table, small cabinet and 2 chairs	no value
1 lot kitchen utensils	10.00
2 window fans	25.00
1 lot flower vases	5.00
1 GE refrigerator	60.00
1 painted oak chest drawers	2.50
8 coffee cups and saucers	8.00
6 Haviland plates	6.00
1 lot glassware	20.00
1 lot odd china	10.00
1 electric vaporizer	7.50
12 green border plates	18.00
12 flowered " "	21.00
18 soup bowls	9.00
17 Minton plates	25.50
24 bread and butter plates	12.00
1 single mahogany bed	20.00
1 dresser - bad order	5.00
1 small rug	5.00
1 arm chair and rocker	15.00
2 floor lamps	5.00
1 metal step stool	5.00
1 lot linens and bedding	50.00
1 lot clothing	25.00
1 lot draperies	20.00
1 large domestic rug	10.00
1 painted twin bed suite	50.00
1 green dresser, chest and nite table	15.00
2 boudoir chairs	12.50
1 floor lamp	2.50
1 boudoir lamp	2.00
4 pictures and round mirror	15.00
1 small GE TV set and table	40.00
1 large blue rug	15.00
1 small hooked rug	3.00
1 modern mahogany bed suite	125.00
2 gilt framed pictures	15.00
2 wheel chairs	25.00
2 boudoir chairs	10.00
5 " lamps	15.00
1 Chaise longue	18.00
1 3-fold screen-bad order	2.50
1 large rug - badly worn	no value
1 hospital bed	25.00
1 gilt framed picture	15.00
1 " " painting	18.00
2 oval gilt Bonti frames	10.00
2 boudoir chairs	10.00
1 small 3-drawer bedside table	12.50
1 room air conditioner	75.00
1 gilt framed picture of child	15.00
1 black finish sewing table	12.50
1 painted rush seat chair	5.00
1 milk glass dresser box	12.50
1 silver dresser mirror and brush set	15.00
2 silver photo frames and plated tray	17.50
Total	<u>\$2,499.75</u>

*E. Ward Jean.*

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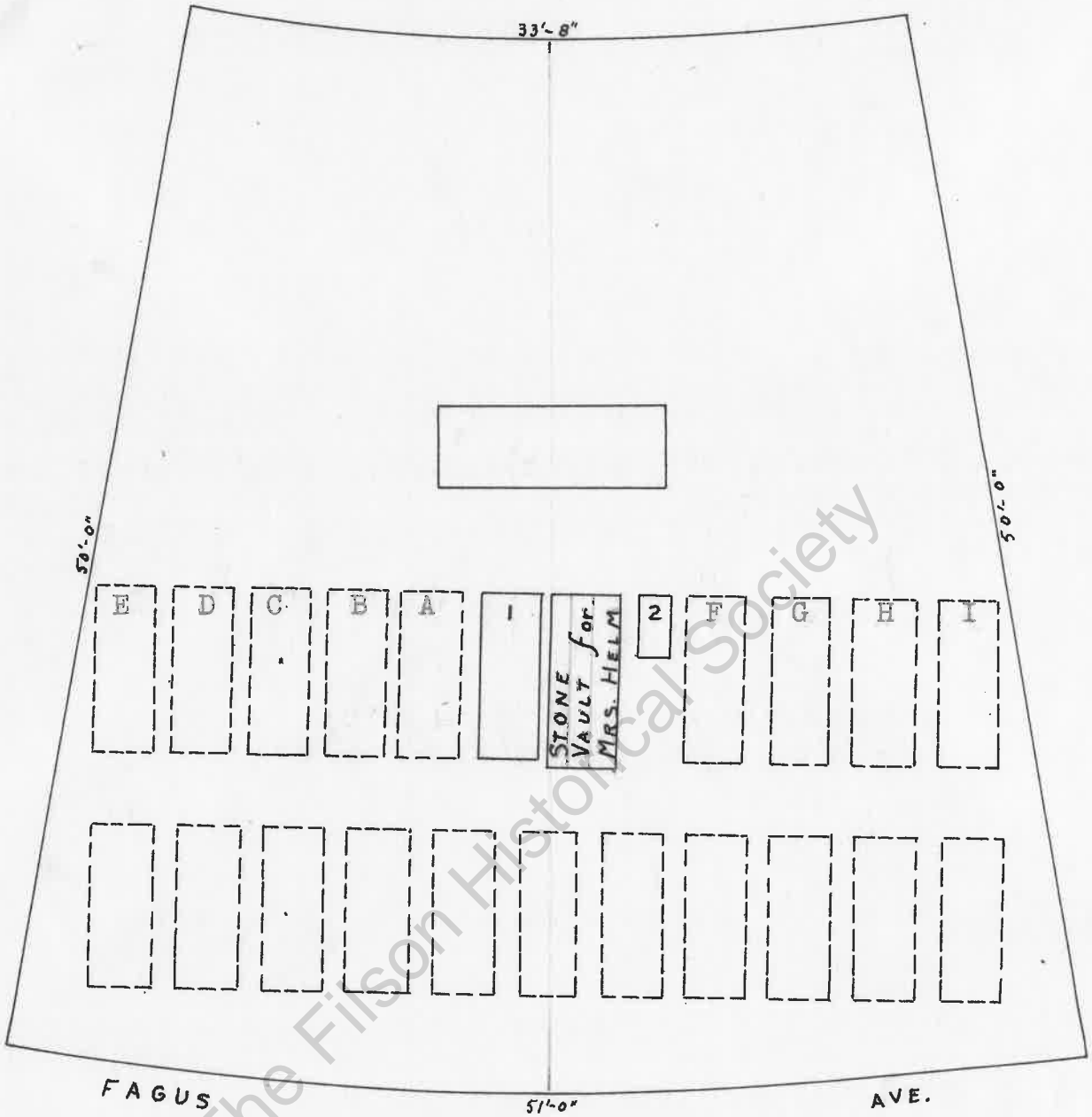


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[2 June 1939]

DIAGRAM OF LOT AND LOCATION OF GRAVES



Lot No. 112 Sec. 13

No. of Grave	NAME OF DECEASED	DATE OF BURIAL	REMARKS
1	John k. Helm	May 4, 1923	Concrete Vault
2	<del>Lucy</del> Helm	May 4, 1923	concrete Vault

CAVE HILL CEMETERY COMPANY

Louisville, Ky. JUNE 2 1939

Mrs. Lucy A. Helm LOT OWNER

[17 June 1939]

As I want my family buried - Lucy A. Helm See sketch attached

Space	"A"	Jane Helm Norton
"	"B"	John L. Helm, Jr.
"	"C"	Elizabeth Botts Helm
"	"D"	Bessie Helm Botts
"	"E"	Graeme G. Botts
"	"F"	Emily Helm Maclean
"	"G"	George W. Helm
"	"H"	Gardie Ault Helm
"	"I"	George W. Helm, Jr.
"	"J"	
"	"K"	
"	"L"	
"	"M"	
"	"N"	
"	"O"	
"	"P"	
"	"Q"	
"	"R"	
"	"S"	
"	"T"	

The grandchildren of John L. Helm and his wife Lucy A. Helm with the exception mentioned of George W. Helm, Jr., in the lower row of graves are to be buried as near each parent as possible and as desired, and after the grandchildren their wives and husbands are buried what remaining space in that row and in the rest of the lot - such other descendants as desire to be buried on the lot may be so buried as long as there is room on the lot - This is my will and desire

Lucy A. Helm

June 17, 1939