

Note No. 15 — — —

CITY OF WEST ALLIS

File No. 2669

Referred to the

COMMON COUNCIL

Administration & Finance
Committee

September 3, 2002
Date

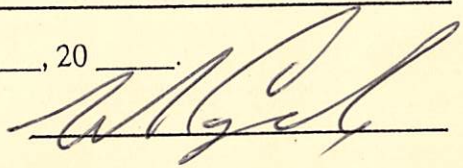
To the Honorable, the Common Council:

The Committee on Administration & Finance to whom was on

September 3, 2002, referred the Attorney Thomas J. Marola communication regarding the estate of Roland R. Borchert, Case No. 02-PR-01875.

beg leave to report same back with _____ and recommended that the

Dated this _____ day of _____, 20____.





Last Will and Testament

OF

ROLAND R. BORCHERT

I, **ROLAND R. BORCHERT**, of West Allis, Wisconsin, hereby revoke all former Wills and Codicils and declare this to be my Last Will.

ARTICLE I

PERSONAL REPRESENTATIVE

I appoint my brother, **ALVIN F. BORCHERT**, as Personal Representative of my estate. If my brother fails or ceases to serve, I appoint **THOMAS J. MAROLA** as alternate Personal Representative of my estate. I direct that the above named persons be allowed to serve without bond.

ARTICLE II

PAYMENT OF EXPENSES

I direct that the expenses of my last illness, my funeral and the administration of my estate be paid from my residuary estate.

ARTICLE III

SPECIFIC BEQUESTS

1. I give the sum of \$125,000.00 to my son, **ROBERT J. BORCHERT**, if he survives me. In the event that **ROBERT J. BORCHERT** predeceases me, this specific bequest lapses.
2. I give the sum of \$5,000.00 to **VIRGINIA REEGA**, my former daughter-in-law, if

she survives me. In the event that **VIRGINIA REEGA** predeceases me, this specific bequest lapses.

3. I give the sum of \$15,000.00 each to my grandsons, **KEITH BORCHERT** and **TODD BORCHERT** if they survive me. In the event that either **KEITH BORCHERT** or **TODD BORCHERT** predecease me, their respective specific bequest lapses.

4. I give the sum of \$5,000.00 to **DONNA GODFREY** of Indianapolis, Indiana, my wife's cousin, June Godfrey's daughter, if she survives me. In the event that **DONNA GODFREY** predeceases me, this specific bequest lapses.

5. I give the sum of \$5,000.00 to **DEBORAH HALFACRE** of Louisville, Kentucky, if she survives me. In the event **DEBORAH HALFACRE** predeceases me, this specific bequest lapses.

6. I give the sum of \$25,000.00 to my brother, **ALVIN BORCHERT**, of Lake Havesu if he survives me. In the event that **ALVIN BORCHERT** predeceases me, this specific bequest lapses.

7. I give the sum of \$5,000.00 to **JERRY BORCHERT** of Texas, the son of my brother Alvin Borchert, if he survives me. In the event **JERRY BORCHERT** predeceases me, this specific bequest lapses.

8. I give the sum of \$10,000.00 to my wife's sister, **BETTY RINGERSMA**, of Milwaukee, Wisconsin, if she survives me. In the event that **BETTY RINGERSMA** predeceases me, this specific bequest lapses.

9. I give the sum of \$5,000.00 to **WALTER RINGERSMA** of Milwaukee, Wisconsin, Betty Ringersma's son, if he survives me. In the event that **WALTER RINGERSMA** predeceases me, this specific bequest lapses.

10. I give the sum of \$5,000.00 to **STEVE RINGERSMA** of Milwaukee, Wisconsin, Betty Ringersma's son, if he survives me. In the event **STEVE RINGERSMA** predeceases me, this specific bequest lapses. I also forgive any indebtedness that **STEVE** may owe me as of the time of my death.

11. I give the sum of \$20,000.00 to **DELORES CLARK** of Brookfield, Wisconsin, my cousin's daughter, if she survives me. In the event that **DELORES CLARK** predeceases me, this specific bequest lapses.

12. I give the sum of \$10,000.00 to **DAVID FADNESS** of San Jose, California, my cousin's son, if he survives me. In the event that **DAVID FADNESS** predeceases me, this specific bequest lapses.

13. I give the sum of \$10,000.00 to **SALLY HASSLER** of Brookfield, Wisconsin, my cousin's daughter, if she survives me. In the event that **SALLY HASSLER** predeceases me, this specific bequest lapses.

14. I give the sum of \$10,000.00 to **NICK MASSARO** the son of my niece, Beth Ann Massaro, to be used by him for his college education if he survives me. In the event that **NICK MASSARO** predeceases me, this specific bequest lapses.

15. I give the sum of \$10,000.00 to my niece, **BETH ANN MASSARO**, of Milwaukee, Wisconsin, if she survives me. In the event that **BETH ANN MASSARO** predeceases me, this specific bequest lapses.

16. I give the sum of \$10,000.00 to my wife's sister, **MARY IVES**, of Lexington, South Carolina, if she survives me. In the event that **MARY IVES** predeceases me, this specific bequest lapses.

17. I give the sum of \$5,000.00 to each of Mary Ives' children, **JAMIE, JULIE, JERRY,** and **JOHN** if they survive me. In the event any of them predecease me, their respective share lapses.

18. I give the sum of \$5,000.00 to **JOYCE SCHMIDT** of Juneau, Wisconsin, the daughter of my cousin, Elda Matthews, if she survives me. In the event that **JOYCE SCHMIDT** predeceases me, this specific bequest lapses.

19. I give the sum of \$10,000.00 to **MELODY BRIGOWATZ** of Carol Stream, Illinois, Joyce Schmidt's sister, if she survives me. In the event that **MELODY BRIGOWATZ** predeceases me, this specific bequest lapses.

20. I give the sum of \$5,000.00 to **SARAH DURR** of Lake Mills, Wisconsin, Betty Ringersma's daughter, if she survives me. In the event that **SARAH DURR** predeceases me, this specific bequest lapses.

21. I give the sum of \$2,000.00 to **HELEN OEHLERS** of West Allis, Wisconsin, if she survives me. In the event that **HELEN OEHLERS** predeceases me, this specific bequest lapses.

22. I give the sum of \$5,000.00 to my nephew, **JOHN BORCHERT.**

23. I give the sum of \$25,000.00 each to **WEST ALLIS CENTRAL HIGH SCHOOL** and to **NATHAN HALE HIGH SCHOOL** of West Allis for the purposes of awarding an annual scholarship in the name of myself and my deceased wife, **DORIS M. BORCHERT,** to a deserving student to be selected by the faculty of each school. Each \$25,000.00 bequest shall be deposited with **AID ASSOCIATION FOR LUTHERANS,** or its successors, in a twenty (20) year endowment so as to pay out in annual installments over a twenty (20) year period principle and interest, the annual payment to be the amount of the scholarship benefit.

24. I give the sum of \$40,000.00 to **TRINITY LUTHERAN CHURCH** of West Allis, Wisconsin for the purpose of setting up a scholarship fund in the name of myself and my deceased wife, **DORIS M. BORCHERT**. This \$40,000.00 bequest shall be deposited with **AID ASSOCIATION FOR LUTHERANS**, or its successors, in a twenty (20) year endowment so as to pay out in annual installments over a twenty (20) year period principle and interest, the annual payment to be the amount of the scholarship benefit.

25. I give the sum of \$1,000.00 to the **MILWAUKEE RESCUE MISSION**.

26. I give the sum of \$1,000.00 to the **SALVATION ARMY**, Milwaukee Chapter.

27. I give the sum of \$1,000.00 to the **AMERICAN RED CROSS**, Milwaukee Chapter.

28. I give the sum of \$5,000.00 to **MIDWEST ATHLETES AGAINST CHILDHOOD CANCER** at 250 Bishops Way, Brookfield, Wisconsin.

29. I give the sum of \$5,000.00 to the **MISSOURI SYNOD OF THE LUTHERAN CHURCH**, Southwest District.

30. I give the sum of \$5,000.00 to the **NATIONAL MYASTHENIA GRAVIS ASSOCIATION**.

31. I give the sum of \$100,000.00 to the **CITY OF WEST ALLIS** to be utilized in the form of a memorial in my name and that of my deceased wife, **DORIS M. BORCHERT**, to be used to build the Roland and Doris Borchert Memorial Fountain and also to fund the purchase and placement of a wrought iron fence around the cemetery at South 84th and West Rogers.

32. I give the sum of \$5,000.00 to the **MILWAUKEE HUMANE SOCIETY**.

ARTICLE V

DISTRIBUTION OF RESIDUE OF ESTATE

SECTION 1. I specifically elect not to exercise any powers of appointment I possess.

SECTION 2. I leave the residue of my estate to my son, **ROBERT J. BORCHERT.**

SECTION 3. I have specifically excluded and not provided for any bequest or distribution under this Will to my son, **BRUCE BORCHERT**, for reasons best known to me. I direct my personal representative to make sure that a copy of my Will gets forwarded to **BRUCE BORCHERT.**

In the event that for whatever reason any specific bequest or residuary request that I have made provisions for does not vest, any such specific or residuary bequest must lapse and be paid out as part of the residue of my estate. In the event that my son, **ROBERT J. BORCHERT**, does not survive me, then the residue of my estate should be disposed of according to the laws of intestacy except to the extent for any share that would go to my son, **BRUCE BORCHERT**, as I have specifically chosen to not provide for him by way of any specific bequests and I specifically chose to disinherit him under this the residuary part of my Will.

ARTICLE VI

FAILURE TO SURVIVE

If any person to whom an interest is given by the terms of this Will fails to survive me for a period of thirty (30) days, any interest which would have passed to such person under other

provisions of this Will is to be disposed of according to the plan of distribution which would have been effective under this Will if such person had predeceased me.

ARTICLE VII

ADMINISTRATIVE POWERS

The Personal Representative shall have the following powers with respect to administering my estate:

SECTION 1. All powers to conserve, protect, manage and invest property that I would possess as owner of such property, without the necessity of obtaining court approval.

SECTION 2. In addition to those powers granted by law, and without limiting Section 1 of this Article, I grant my Personal Representative the following specific powers: To retain, invest and reinvest in property of any kind without being limited by any statute or rule of law (including any requirement of diversification) concerning investments by Personal Representatives and Trustees; to invest in common trust funds; to hold cash uninvested; to purchase insurance, including liability coverage; to lend or borrow money; to pledge or mortgage property; to sell, exchange, option or lease property, including leases that may extend beyond the termination date of the estate; to pay, compromise, contest or abandon claims; to vote stock and to give proxies; to continue, manage or sell any business or farming operation; to manage or improve real estate; to hold assets in the name of a nominee; to charge reasonable compensation for its services; to employ attorneys, accountants, managers and agents at the expense of the estate; to deal with itself or its affiliates; to permit a beneficiary, including a minor or incompetent, to have the use and possession of any real or tangible personal property; to make distribution in cash or in kind, or both, without any requirement that each item be distributed ratably; to establish, from income and credit to

principal, reasonable reserves for the depreciation of tangible property; to determine, in those cases not clearly covered by law, the allocation of all receipts and disbursements as between income and principal.

ARTICLE VIII
MISCELLANEOUS

SECTION 1. Unless the context otherwise requires: Words used in any gender shall include all genders. The word "property" shall include real and personal property, whether acquired before or after the signing of this Will.


SECTION 2. The Article titles are intended only to identify the Articles and shall not be considered as part of this Will.

Signed by me at Milwaukee, Wisconsin on this 15th day of May, 2002.

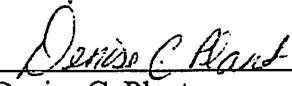


ROLAND R. BORCHERT

The foregoing instrument was signed, published, and declared by **ROLAND R. BORCHERT** to be his Last Will in the presence of us, who in his presence and in the presence of each other, have signed our names as witnesses on the date and place above mentioned. We each certify that **ROLAND R. BORCHERT** was over the age of 18 years, of sound mind and not acting under any restraint at the time of signing of this Will.

 of Milwaukee Wisconsin

Thomas J. Marola

 of Milwaukee Wisconsin

Denise C. Plant

This Will drafted by **ATTORNEY THOMAS J. MAROLA**
2230 S. 108th Street
Milwaukee, Wisconsin 53227
(414) 327-5800

STATE OF WISCONSIN, CIRCUIT COURT, MILWAUKEE COUNTY

For Official Use

IN THE MATTER OF THE ESTATE OF

Notice to Interested Persons
and Time Limit for Filing Claims
(Informal Administration)

ROLAND R. BORCHERT

Case No.

02 PR01875

An application has been filed for informal administration of the estate of the decedent, whose date of birth was January 22, 1921 and date of death was June 9, 2002. The decedent died domiciled in Milwaukee County, State of Wisconsin, with a post office address of: 2330 S. 54th Street, West Allis, Wisconsin 53219

Please take notice that:

1. The application will be heard at the Milwaukee County Courthouse, Milwaukee Wisconsin, Room 207 before A Probate Registrar, on SEP 19 2002 at 10:15 A.M. or when scheduled thereafter.

You need not appear unless you object. The application may be granted if no objection is made.

2. Creditors' claims must be filed with the probate registrar on or before NOV 19 2002

3. The names or post office addresses of the following persons interested (if any) are not known or reasonably ascertainable: _____

This shall constitute notice to any persons whose names or addresses are unknown.

*Notice shall be given:

1. By publication of this notice once a week for three consecutive weeks in the following newspaper: Daily Reporter. The first publication date shall be within 15 days from the date of this notice; AND

2. By mailing, at least 20 days before the hearing, a copy of this notice and a copy of the will to every person entitled to notice.

* The personal representative is responsible for mailing this notice to all known or reasonably ascertainable creditors.

If you need help in this matter because of a disability, please call:

131 James L. Reud
Probate Registrar

AUG 19 2002 Name Printed or Typed

Date

Please check with personal representative/ attorney below for exact time and date.

Personal Representative/Attorney Thomas J. Marola
Address 2230 S. 108th Street Milwaukee, WI 53227
Telephone Number (414) 327-5800

*Notice to Printer - DO NOT PRINT this text when publishing notice.

STATE OF WISCONSIN, CIRCUIT COURT, MILWAUKEE COUNTY

For Official Use

IN THE MATTER OF THE ESTATE OF

**Waiver and
Consent**
(Informal Administration)

ROLAND R. BORCHERT

Case No. _____

- I am not a minor or incompetent.
- I am by law an interested person in this estate.
- I enter my appearance in this matter, and consent to Informal Administration.
- I have received a list of all interested persons, and
 - a copy of the last will and testament, including codicil(s), if any, or
 - a notice of the nature and amount of the bequest contained in the will.
 - decedent died leaving no will.
- I have no objection to:
 - the admission of the will, including codicil(s), to Informal Administration.
 - Intestate Administration.
- I consent to the appointment of _____ as personal representative in this estate.

Name Printed or Typed	Signature	Date
American Red Cross		
Midwest Athletes Against Childhood Cancer		
Missouri Synod of the Lutheran Church		
National Myasthenia Gravis Assoc.		
City of West Allis	<i>Paul H. Zeller</i> , CAO + acting CL/Tr.	9/4/02
Milwaukee Humane Society		

Name of Attorney Thomas J. Marola
Address 2230 S. 108th Street Milwaukee, WI 53227
Telephone (414) 327-5800

THOMAS J. MAROLA
Court Commissioner
Attorney & Counselor
At Law

RECEIVED
AUG 23 2002
WEST ALLIS
CITY ATTORNEY

2230 SOUTH 108th STREET
MILWAUKEE, WISCONSIN 53227

(414) 327-5800
FAX (414) 546-2990

August 20, 2002

RE: Estate of Roland R. Borchert
Case No.: 02-PR-01875

To All Interested Parties:

Concerning the above, enclosed is an Application for Informal Administration, a Notice to Interested Persons setting this matter for a court hearing on September 19, 2002, at 10:15a.m., a copy of Mr. Borchert's Will and a Waiver and Consent form. By signing the Waiver and Consent form, you are agreeing that the estate can proceed as indicated on the Application. The attached Will of Roland Borchert would be admitted into probate and monies would be paid out as indicated in the Will.

If you do consent, please sign the form and return it to me in the enclosed envelope. If you don't wish to sign, you don't have to, however, request will be made of the probate court to admit this matter for Informal Administration.

If you have any questions, feel free to contact me.

Very truly yours,



Thomas J. Marola
Attorney at Law

TJM/dp

Enc.: Application for Informal Administration
Notice to Interested Persons
Copy of Will
Waiver & Consent

IN THE MATTER OF THE ESTATE OF

Application for Informal Administration

ROLAND R. BORCHERT

Case No. 02PR01 87 5

Under oath, I state that:

1. The decedent, whose date of birth was January 22, 1921, and date of death was June 9, 2002, died domiciled in Milwaukee County, State of Wisconsin, with a post office address of: 2330 S. 54th Street, West Allis, WI 53219.

2. I am interested as personal representative.

3. Other proceedings concerning the estate of the decedent are are not pending in this state or elsewhere.

Explain: _____

4. The estimated gross value of decedent's property requiring administration is \$ 1,000,000.00.

5. The decedent

- did did not receive medical assistance.
- did did not receive family care benefits.
- did did not receive benefits from Community Options Program (COP).
- did did not receive benefits from Wisconsin Chronic Disease Program.
- was was not a patient or inmate of a state or county hospital or institution, or responsible for any person owing an obligation to the state or county.

Explain: _____

6. The decedent's spouse, (name) N/A, if any,

- did did not receive benefits from Community Options Program (COP).
- did did not receive benefits from Wisconsin Chronic Disease Program.

(Complete section 7 or 8 below, whichever is applicable.)

7. The decedent died leaving a will, dated May 15, 2002. codicil(s), dated _____.

I believe these documents to have been executed properly and to be valid and have made diligent inquiry and am unaware of any subsequent revocation.

The original will, including codicil(s), if any

- is in the possession of the court. accompanies this application.
- was probated elsewhere and an authenticated copy accompanies this application.

The personal representative(s) named by the decedent is

Name: Alvin F. Borchert

Post office address: 2141 Wallapai Dr., Lake Havasu, AZ 86403

Alternate personal representative: Thomas J. Marola 2230 S. 108th Street
Milwaukee, WI 53227

The trustee(s) named by the decedent is

Name: _____

Post office address: _____

8. I have made diligent inquiry and am unaware of any unrevoked will of the decedent and believe that the decedent died leaving no will.

9. The names and addresses of all interested persons are:
(Must include any minor(s) with date of birth, incompetent(s) and name of guardian(s) of estate, and any person(s) in the military):

<u>Name</u>	<u>Relationship</u>	<u>Address</u>	<u>D. O. B. if Minor</u>
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See Attachment

I request that:

- 1. The will, including codicil(s), be admitted to informal administration.
- 2. A statement of informal administration be issued.
- 3. Domiciliary Letters be issued to ALVIN BORCHERT & DELORES CLARK
- 4. Letters of Trust be issued to _____
for the following trust _____
Letters of Trust be issued to _____
for the following trust _____

Subscribed and sworn to before me
on 10th day of February, 2002
Thomas J. Marola
Notary Public/Court Official

My commission expires: is permanent

Name of Attorney Thomas J. Marola	
Address 2230 S. 108th Street Milwaukee, WI 53227	
Telephone (414) 327-5800	Bar Number 1014873

Signature of Applicant <u>Delores Clark</u>
Name Printed or Typed Delores Clark
Address 2520 Sheraton Road Brookfield, WI 53005

DENIAL OF APPLICATION: (Signature of Probate Registrar only required if application is denied.)

- The application for informal administration has been reviewed and is denied.
The denial of an application is not an adjudication and does not preclude proceeding formally.

Probate Registrar

Name Printed or Typed

Date

Application for Informal Administration

Attachment

9. <u>Name</u>	<u>Relationship</u>	<u>Address</u>	<u>D.O.B. if Minor</u>
Robert J. Borchert	son	2107 C Kensington Drive Waukesha, WI 53188	
Bruce Borchert	son	130 Canal Street Wisconsin Rapids, WI 54495	
Virginia Reega	former daughter-in-law	1365 Post Road Brookfield, WI 53005	
Keith Borchert	grandson	1365 Post Road Brookfield, WI 53005	
Todd Borchert	grandson	2135 Balboa Pacific Beach, CA 92109	
Donna Godfrey	wife's cousin	8197 Talliho Drive Indianapolis, IN 46256	
Deborah Halfacre	wife's cousin's daughter	40201 Tehuwey Court L. Dalich, KY 40207	
Alvin Borchert	brother	2141 Wallapi Drive Lake Havasu City, AZ 86403	
Jerry Borchert	nephew	1558 Stanford Lane Denton, TX 76210	
Betty Ringersma	wife's sister	2745 S. Herman Street Milwaukee, WI 53207	
Walter Ringersma	wife sister's son	1705 Marion Avenue South Milwaukee, WI 53172	
Steve Ringersma	wife sister's son	2747 S. Herman Street Milwaukee, WI 53207	

<u>Name</u>	<u>Relationship</u>	<u>Address</u>	<u>D.O.B. if Minor</u>
Delores Clark	cousin's daughter	2520 Sheraton Road Brookfield, WI 53005	
David Fadness	cousin's son	445 Stratford Park Court San Jose, CA 95136	
Sally Hassler	cousin's daughter	16530 Leon Terrace Brookfield, WI 53005	
Nick Massaro	niece's son	815 E. Oklahoma Avenue Milwaukee, WI 53207	
Beth Ann Massaro	niece	815 E. Oklahoma Avenue Milwaukee, WI 53207	
Mary Ives	wife's sister	105 Amich Street Lexington, SC 29072	
Jamie George	wife's sister's daughter	1314 Loner Road Blythewood, SC 29016	
Jerry Ives	wife's sister's son	4401 S. Kings Highway Mertle Beach, SC 29575	
John Ives	wife's sister's son	2315 Highstreet Columbia, SC 29203	
Julie Harper	wife's sister's daughter	512 Aspen Glade Court Lexington, SC 29072	
Joyce Schmidt	daughter of cousin	N6052 Highpoint Road Juneau, WI 53039	
Melody Brigowatz	daughter of cousin	865 Stonehenge Court Carol Stream, IL 60188	
Sarah Durr	wife's sister's daughter	131 E. Grant Street Lake Mills, WI 53551	

<u>Name</u>	<u>Relationship</u>	<u>Address</u>	<u>D.O.B. if Minor</u>
Helen Oehlers	cousin's wife	1512 S. 73 rd Street West Allis, WI 53214	
John Borchert	nephew	614 Desert West Drive Rancho Mirage, CA 92270	
West Allis Central High School	legatee	8516 W. Lincoln West Allis, WI 53227	
Nathan Hale High School	legatee	11601 W. Lincoln West Allis, WI 53227	
AAL	legatee	3445 N. 124 th Street Milwaukee, WI 53222	
Trinity Luthern Church	legatee	2500 S. 68 th Street West Allis, WI 53219	
Milwaukee Rescue Mission	legatee	830 N. 19 th Street Milwaukee, WI 53233	
Salvation Army	legatee	4757 N. 76 th Street Milwaukee, WI 53218	
American Red Cross	legatee	2600 W. Wisconsin Avenue Milwaukee, WI 53233	
Midwest Athletes Against Childhood Cancer	legatee	1200 N. Mayfair Road Milwaukee, WI 53226	
Missouri Synod of the Lutheran Church	legatee	8100 W. Capitol Drive Milwaukee, WI 53222	
National Myasthenia Gravis Association	legatee	6644 W. Revere Place West Allis, WI 53219	

<u>Name</u>	<u>Relationship</u>	<u>Address</u>	<u>D.O.B. if Minor</u>
City of West Allis	legatee	7525 W. Greenfield West Allis, WI 53214	
Milwaukee Humane Society	legatee	4500 W. Wisconsin Milwaukee, WI 53208	



CITY OF WEST ALLIS

WISCONSIN



City Clerk/Treasurer Office

Paul M. Ziehler
*City Administrative Officer
Clerk/Treasurer*

Dorothy E. Steinke
Deputy City Treasurer

Monica Schultz
Assistant City Clerk

January 27, 2004

Attorney Thomas J. Marola
2230 S. 108 Street
Milwaukee, WI 53227

Dear Mr. Marola,

On January 20, 2004, the Common Council approved the communication regarding the estate of Roland R. Borchert, Case No. 02-PR-01875.

On behalf of the City of West Allis, please extend our appreciation of the bequest to Mr. Borchert's family.

Sincerely,

Monica Schultz
Assistant City Clerk

/dm