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(Filed December 22, 1939)

I, FLORENTINE S. SUTRO, a resident of the City, County and State of New York, do make, publish and declare this as and for my Last Will and Testament, hereby revoking any and all testamentary instruments by me at any time heretofore made.

FIRST: I direct that all my just debts and funeral expenses be paid and discharged as soon after my decease as may be practicable. I further direct that all transfer, inheritance, succession, legacy and estate taxes which may be levied or assessed with respect to my estate herein disposed of, or any part thereof, or any bequest, devise or appointment herein or in any codicil hereto contained, be paid out of my residuary estate as part of the expenses of administration.

SECOND: I give and bequeath all my jewelry, clothing, furniture, household furnishings, rugs, pictures, books, bric-a-brac and all other household, personal effects and all automobiles which I may own at the time of my death to my daughter, FLORENCE SUTRO ESBERG, if she shall survive me, or if she shall not survive me, to such of her children. HENRY SUTRO ESBERG (also known as Henry Frederick Lenning) and PEGGY ESBERG MARX, as shall survive me, and the issue me surviving of any of them who shall have previously died, in equal shares, *per stirpes* and not *per capita*; and I direct that if said legatees are unable to agree upon the division of said property and effects within six months from the probate of this my Will, that the same shall be made by my Executors whose action in effecting such division shall be final, conclusive and binding upon all parties interested therein.

THIRD: If LILLIE S. JURIST is at the time of my death indebted to me in any sum whatever, I direct that the same be not collected from her but that any such debt be forgiven, released and discharged and to that end I give and bequeath to her absolutely the amount of any such debt.

I give and bequeath unto my Trustee hereinafter named the sum of TEN THOUSAND (\$10,000.) Dollars to hold upon a separate trust and to manage, invest and reinvest said sum of Ten Thousand (\$10,000.) Dollars for and during the term of the life of said LILLIE S. JURIST, and I hereby direct that the said Trustee pay over to the said LILLIE S. JURIST all of the income of such trust together with so much of the principal thereof as shall, when added to the interest, equal the sum of One Thousand (\$1,000.) Dollars per annum, and to pay over to the said LILLIE S. JURIST such sum of One Thousand (\$1,000.) Dollars per year in semi-annual payments.

Upon the death of the said LILLIE S. JURIST, this trust shall terminate, and the balance of the principal thereof, if any, shall be paid over absolutely and forever in equal shares to the HOME FOR AGED AND INFIRM HEBREWS OF NEW YORK, and the SOCIETY FOR ETHICAL CULTURE, New York, N. Y.

FOURTH: If my friend, Aimee Selden, of Orange, New Jersey, shall survive me, I give and bequeath unto my Trustee hereinafter named, the sum of Twenty-Five Thousand (\$25,000.) Dollars and the mortgage on the home of said Aimee Selden, at 445 Highland Avenue, Orange, New Jersey, together with the bond, note or obligation secured by said mortgage, if I shall own the same at the time of my death, to hold, upon a separate trust, and to manage, invest and reinvest said sum of Twenty-Five Thousand (\$25,000.) Dollars (and the proceeds of said mortgage in the event that the principal of the mortgage or any part thereof shall be collected during the existence of the Trust) and to pay the net income thereof, together with so much of the principal of said trust as shall, when added to the interest thereof, equal the sum of Two Thousand (\$2,000.) Dollars per annum, and to pay over to the said Aimee Selden for and during the term of her natural life such sum of Two Thousand (\$2,000.) Dollars per year in semi-annual payments. Upon the death of the said Aimee Selden the Trust shall terminate and the balance of principal thereof, shall be paid over absolutely and forever in equal shares to the HOME FOR AGED AND INFIRM HEBREWS OF NEW YORK, and the SOCIETY FOR ETHICAL CULTURE, New York, N. Y. During the life of said

Aimee Selden, and so long as she shall continue to own said property, I direct that my Trustee shall not demand payment of the principal of the mortgage indebtedness hereinbefore bequeathed to her as a part of the trust estate, or of any interest thereon, unless said Aimee Selden shall otherwise in writing request, it being my intention that during such period the principal of said mortgage shall bear no interest. My Trustee may, however, from time to time, request or require such acknowledgments of the mortgage indebtedness as she may deem necessary in order to preserve such mortgage obligation and the lien of said mortgage.

FIFTH: I give and bequeath unto my Trustee hereinafter named, the sum of Ten Thousand (\$10,000.) Dollars to hold upon a separate trust and to manage, invest and reinvest said sum of Ten Thousand (\$10,000.) Dollars for and during the lives of my friends LEONTINE MEYERS, now residing at 605 East 168th Street, Bronx, New York, and her husband DOUGLASS MEYERS, and I hereby direct that the said Trustee, during the life of LEONTINE MEYERS, pay over to her all of the income of such trust together with so much of the principal thereof as shall, when added to the interest, equal the sum of One Thousand (\$1,000.) Dollars per annum and to pay over to her such sum of One Thousand (\$1,000.) Dollars per annum in semi-annual payments.

In the event that DOUGLAS MEYERS shall survive LEONTINE MEYERS, and at the time of the death of the said LEONTINE MEYERS there shall remain in the hands of my Trustee any balance of the trust herein provided for, then and in that event, I direct my said Trustee pay over to the said DOUGLAS MEYERS all of the income of such trust together with so much of the principal thereof as shall, when added to the interest, equal the sum of One Thousand (\$1,000.) Dollars per annum, and to pay over to the said DOUGLAS MEYERS such sum of One Thousand (\$1,000.) Dollars per year in semi-annual payments.

✓ SIXTH: I give and bequeath the sum of Five Thousand (\$5,000.) Dollars to NICHOLAS ROERICH and his wife HELENA ROERICH, who are at the present time in India, in equal shares, if they shall both be

living, or to such one of them as shall survive me, or if neither of them shall survive me, then I give said sum to SINA LICHTMANN, if she shall be living. Without limiting the character of this bequest which is absolute, I request said NICHOLAS ROERICH and HELENA ROERICH, or said SINA LICHTMANN, if it shall be feasible to use said sum for educational purposes.

SEVENTH: I give and bequeath to my secretary, ROSE ROBBINS, the sum of Five Thousand (\$5,000.) Dollars in the event that she shall be in my employ at the time of my death, or if not in my employ, if she shall have left by mutual consent without any unfriendliness.

EIGHTH: I give and bequeath the sum of One Thousand (\$1,000.) Dollars to each of my daughter's children HENRY SUTRO ESBERG (also known as HENRY FREDERICK LENNING) and PEGGY ESBERG MARX, who shall survive me, with which to acquire for themselves a memento of me. Except as herein otherwise provided, I am making no other provision in this my Will for my said daughter's children, not by reason of any lack or love and affection for them but because I feel that in view of their circumstances and the gifts heretofore made to them by my late husband and myself, their needs will be amply provided for and I believe that they will understand that my head and not my heart has prompted me to help worthy humanitarian organizations rather than to make further provision for them.

NINTH: All of the rest, residue and remainder of my estate of every kind and description and wheresoever situated of which I may die seized, or possessed or to which I or my estate may be entitled in law or in equity, together with any bequest or devise under this my Will or any Codicil hereto which may have lapsed, and all property over which I shall possess any power of appointment or disposition at the time of my death (hereinafter referred to as "my residuary estate") I direct my Executor to divide into two equal parts and I dispose of said parts as follows:

(A) If my daughter, Florence Sutro Esberg, shall survive me, I give, devise and bequeath one of said two equal parts to my

Trustee hereinafter named to hold, manage, invest and reinvest the same and to collect and recover the income and revenue thereof and to pay the net income thereof to my said daughter FLORENCE SUTRO ESBERG, for and during the term of her natural life, and upon her death to pay over and distribute the principal of the trust estate as follows:

(1). One-half ($\frac{1}{2}$) thereof to such persons and in such amounts and upon such estates as my said daughter shall by her Last Will and Testament have appointed.

(2). The balance of said trust estate (including such part thereof as may not have been effectively appointed by the Will of my said daughter, I give, devise and bequeath as follows:

To ANTIOCH COLLEGE at Yellow Springs, Ohio, the sum of Five Thousand (\$5,000.) Dollars to be added to its Students' Loan Fund;

To HENRY STREET SETTLEMENT, New York, N. Y., the sum of Ten Thousand (\$10,000.) Dollars for its Visiting Nurse Service;

To the HUDSON GUILD, New York, N. Y., the sum of Five Thousand (\$5,000.) Dollars for its general purposes;

To the MT. SINAI HOSPITAL OF THE CITY OF NEW YORK, the sum of Five Thousand (\$5,000.) Dollars for the purposes of such research work as its Board of Trustees shall deem advisable;

To THE SALVATION ARMY, 120 West 14th Street, New York, N. Y., the sum of Five Thousand (\$5,000.) Dollars for its general purposes, preferably for women's prison work;

To NICHOLAS ROERICH and his wife HELENA ROERICH, who are at present in India, the sum of Five Thousand (\$5,000.) Dollars, in equal shares, if they shall both be living, or to such one of them as shall survive me, or if neither of them shall survive me, then I give said sum to SINA LICHTMANN,

if she shall be living. Without limiting the character of this bequest which is absolute, I request said Nicholas Roerich and his wife, Helena Roerich, or said Sina Lichtmann, or the survivor of them, as the case may be, if it shall be feasible, to use said sum for educational purposes.

And the entire balance thereof in equal shares to the SOCIETY FOR ETHICAL CULTURE, New York, N. Y., and the HOME FOR AGED AND INFIRM HEBREWS OF NEW YORK, now located at 121 West 105th Street, New York, N. Y.

(B) The other of said two equal parts I give, devise and bequeath as follows:

1. To ANTIOCH COLLEGE at Yellow Springs, Ohio, the sum of Five Thousand (\$5,000.) Dollars, to be added to its Students' Loan Fund;

2. To HENRY STREET SETTLEMENT, New York, N. Y., the sum of Ten Thousand (\$10,000.) Dollars for its Visiting Nurse Service;

3. To THE HUDSON GUILD, New York, N. Y., the sum of Five Thousand (\$5,000.) Dollars for its general purposes;

4. To THE MT. SINAI HOSPITAL OF THE CITY OF NEW YORK, the sum of Five Thousand (\$5,000.) Dollars, for the purposes of such research work as its Board of Trustees shall deem advisable;

5. To THE SALVATION ARMY, 120 West 14th Street, New York, the sum of Five Thousand (\$5,000.) Dollars for its general purposes, preferably for women's prison work;

6. To THE WOMEN'S CITY CLUB OF NEW YORK, the sum of One Thousand (\$1,000.) Dollars for its civic fund;

7. And the entire balance in equal shares to the SOCIETY FOR ETHICAL CULTURE, New York, N. Y., and THE HOME FOR AGED AND INFIRM HEBREWS OF NEW YORK, now located at 121 West 105th Street, New York.

It is my wish that the legacies provided in this, as well as in any and all other paragraphs of this Will, for the benefit of the Society for Ethical Culture in the City of New York, shall be used by said Society for the welfare and economic improvement of teachers, the training of leaders, the erection of necessary school buildings and for the SCHOLARSHIP FUND OF THE ETHICAL CULTURE SCHOOLS owned and operated by said Society. The particular portions or percentages of such legacies, which shall be used for each of such purposes, shall be determined by the Board of Directors or Board of Trustees of the Society.

TENTH: Any and all gifts provided in any paragraph hereof for the benefit of THE HOME FOR AGED AND INFIRM HEBREWS OF NEW YORK are conditional upon there being delivered to my Executrix during the life time of my daughter FLORENCE SUTRO ESBERG, and her daughter PEGGY ESBERG MARX, or if my said daughter FLORENCE SUTRO ESBERG does not survive me, then during the life time of her children, PEGGY ESBERG MARX and HENRY SUTRO ESBERG (also known as Henry Frederick Lenning) but in any event, within two years after the date of my death, a certificate of the President and Secretary of said Home stating that a hospital for said Home has been built or is in the process of construction or that a bona fide contract for its construction has been entered into, and in case said legacy shall become effective on the said conditions, it shall be used by said Home solely for the construction and/or maintenance of such hospital.

In the event that the legacies to said Home provided by this Will becomes effective by the delivery to my Executrix of a Certificate to the effect that a bona fide contract for the construction of the hospital has been entered into, than and in that event and for the purpose of insuring the use of such legacy for the construction of a hospital I authorize my Executrix to withhold payment of such legacy to the Home, but to pay same over, upon order and/or direction of the officers of the Home, direct to the contractors and/or materialmen, engaged in, or supplying materials for, the construction of such hospital, to be applied on account of the monies due or to become due for such construction. Upon completion of the construc-

purchase of common investments, in which equal or unequal partial interests may be allocated to such trusts), notwithstanding that such investments may not be of the character allowed to executors or trustees by the statutes or general rules of law applicable to investments by executors or trustees; and without limiting the generality of the foregoing, my Executrix and Trustee is specifically authorized, in making any investments, to invest in securities or other property which may not be income producing, provided that at the time of making such investment the market value thereof, when added to the market value of all other non-income producing investments then held in my estate or in the particular trust for which the investment is being made, shall not exceed five per cent (5%) of the total market value of all assets then held in my estate or in the particular trust for which such investment is being made, as the case may be;

(3) To sell, exchange, convey or dispose of, or to grant options with respect to, any property, whether real or personal, of which I may die seized or possessed or which may at any time form a part of my estate or of any trust to be established hereunder, and any sale may be made by private contract or by public auction, and for cash or upon credit, or partly for cash and partly upon credit, as they may deem best, and no person dealing with them shall be bound to see to the application of any moneys paid;

(4) To manage, operate, repair and improve and to mortgage and/or lease (whether for a period longer or shorter than five years and whether expiring before or after the termination of any trust created hereunder) any real estate forming a part of my estate or of any trust created hereunder.

(5) To compromise, compound and settle any obligation due to or from me or my estate or any trust created hereunder, and to reduce the rate of interest on, to extend or otherwise modify, or to foreclose upon default or otherwise enforce, any such obligation;

(6) To submit to final arbitration any matter of difference with others;

not acquired at a discount, any gain shall be credited to principal, and any loss shall be charged thereto.

All liquidating dividends shall be apportioned between principal and income, or allocated entirely to principal or income, in accordance with law; and all dividends payable in the stock of the corporation or association declaring or authorizing the same, whether regular, ordinary or extraordinary, shall be considered and treated solely as principal. All other dividends of any kind and nature whatsoever, including dividends of so-called "wasting assets" corporations, whether paid in cash or in property, received by my Executrix or Trustee shall be treated solely as income and distributed accordingly.

FOURTEENTH: In any case in which my Executrix or Trustee may be required under the provisions of this my Will or any codicil hereto to divide the principal of my estate or of any trust created hereunder into parts or shares and to distribute the same, or to make payment of any pecuniary legacy, I hereby authorize and empower her in her sole discretion to make such division and distribution or payment in kind or partly in kind and partly in money, and for the purpose of such allotment, the property and securities so allotted shall be taken at their market value at the date of distribution or, if there be no recognized market value, at the fair value thereof. Any determination of recognized market value or fair value of any security or property made by my Executrix or Trustee for the purposes hereof shall be deemed presumptively correct.

FIFTEENTH: I nominate, constitute and appoint my daughter FLORENCE SUTRO ESBERG, as Executrix and Trustee under this my Last Will and Testament, and in the event of her death, refusal or inability to act as either Executrix and/or Trustee under this Will, I nominate, constitute and appoint in her place and stead LILLIAN D. ROCK who is familiar with all of my affairs to act as Co-Executor and Trustee with the United States Trust Company of New York.

I direct that no bond or other security shall be required in any jurisdiction of any Executor or Trustee herein named, who may qualify as such.

SIXTEENTH: All the estates, powers, trusts, duties and discretion anywhere herein created or conferred shall be held, possessed and exercised by and shall extend to the Executors hereof and Trustees hereunder for the time being such, whether such be the Executors and Trustees named herein or their successors or substitutes.

IN WITNESS WHEREOF, I have hereunder set my hand and seal this 21st day of November, One Thousand Nine Hundred and Thirty-Nine.

(Signed) FLORENTINE S. SUTRO

This Instrument consisting of fourteen (14) pages was signed, sealed, published and declared by the above named Testatrix, FLORENCE S. SUTRO, as and for her Last Will and Testament, in the sight and presence of us, who at her request and in the presence and sight and presence of each other, have hereunto signed our names as subscribing witnesses, this 21st day of November, 1939.

CHARLOTTE MAKASHAY	5401 Church Ave., Bklyn, N. Y.
AGNES CARR	353 W. 57th St., N. Y. C.
LEON LEEDER	211 East 35th Street, N. Y. C.

SURROGATE'S COURT, COUNTY OF NEW YORK

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In the Matter of Proving the
Last Will and Testament

File No.P3006-1939

of

NOTICE OF PROBATE
Section 146

FLORENTINE S. SUTRO,

Deceased.:

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To the following named persons:

Take notice that the Last Will and Testament
of FLORENTINE S. SUTRO, deceased, dated November 21, 1939
has been offered for probate, and that the names and post
office addresses of the proponent and of the legatees, de-
visees and other beneficiaries, as set forth in the petition
herein, who have not been cited or have not appeared or
waived citation, are as follows:

Florence S. Esberg, proponent, whose post office address is
815 Park Avenue, New York, N.Y.

<u>Name of Legatee, Devisee or Beneficiary</u>	<u>Post Office Address</u>
Henry Sutro Esberg (also known as Henry Frederick Lenning)	54 East 83rd Street New York, N.Y.
Peggy Esberg Marx	Purchase, New York
Lillie S. Jurist	2 East 86th Street New York, N.Y.
Home for Aged and Infirm Hebrews of New York	121 West 105th Street New York, N.Y.
Society for Ethical Culture	2 West 64th Street New York, N.Y.
Aimee Selden	445 Highlands Avenue Orange, New Jersey
Leontine Meyers	605 East 168th Street New York, N.Y.
Douglass Meyers	605 East 168th Street New York, N.Y.

Nicholas Roerich	Hall Estate, Daggarkulu, Punjab, British India.
Helena Roerich	Hall Estate, Daggarkulu, Punjab, British India.
Sina Fosdick (named in will as Sina Lichtmann)	Roerich Academy of Art, Carnegie Hall 57th Street & 7th Avenue New York, N.Y.
Rose Robbins	3333 - 89th Street Jackson Heights, New York.
Antioch College	Yellow Springs, Ohio.
Henry Street Settlement	265 Henry Street, New York, N.Y.
Hudson Guild	436 West 27th Street New York, N.Y.
Mount Sinai Hospital of the City of New York	5th Avenue & 100th Street New York, N.Y.
The Salvation Army	120 West 14th Street New York, N.Y.
The Women's City Club of New York	20 West 51st Street New York, N.Y.