

## LAST WILL AND TESTAMENT OF AMOS NAPIER.

I, Amos Napier, of Myrtle, Floyd County, Kentucky, being of full age and of sound mind and memory, do make, publish and declare this to be my last will and testament.

ITEM I. I direct that all my just debts and funeral expenses be paid out of my estate as soon as practicable after the time of my decease.

ITEM II. I give and devise to my daughter, Pearl Napier, a certain tract of land owned by me in Floyd County, Kentucky, on the waters of Abbott Creek, bounded and described as follows:

"Beginning at a stone in an orchard between the second and third apple tree rows at the lower end of the orchard; thence running eastward with C. P. Napier's line to a sycamore tree on the creek bank; thence running northeastward with C. P. Napier's to a stake in the center of the creek, at the mouth of Willow branch; thence westward with the center of the creek to a stake just above the water gap in the center of the creek; thence running northeastward to a sycamore on the creek bank; thence running northeastward to a hickory on the lower side of the road; thence running to a sugar tree above the road on a point; thence running up the hill with the center of the point northeastward to a maple tree on the center of the point; thence running southwestward with the hill a straight line to a sugar tree on the bank of Abbott Creek near old mill seat; thence running in the center of the creek with the meanders thereof to a big sycamore on the south side of the Creek; thence a straight line southwestward to a stone on the point; thence with the center of the point to a beech tree opposite the mouth of duck hole branch on the boundary line; thence with Alley survey to Mart Meade's line; thence with Allen survey to Lee Howell's line; thence with the Alley survey to the corner of Lee Howell's land; thence leaving Lee Howell's land and running with a division survey to the ash stump at the foot of the point; thence a straight line to the place of beginning."

ITEM III. I give and devise to my daughter, Nettie Napier, a certain tract of land owned by me in Floyd County, Kentucky, on the waters of Abbott Creek, bounded and described as follows:

"commencing at a beech on the point opposite duck hole branch a corner of tract herein willed to Pearl Napier; thence running with tract herein willed to Pearl Napier reversing back to a maple on top of a point, a corner of the Pearl Napier tract; thence up the point with the center thereof to Nettie's boundary line where it corners with Lewis Neely's land; thence with Amos Napier's line, the Alley survey, to the place of beginning."

ITEM IV. I give and devise to my daughter, Amy Parrott, a certain tract of land owned by me in Floyd County, Kentucky, on the waters of Abbott Creek, bounded and described as follows:

"Commencing at a hickory tree on hill top on the line of the tract herein willed to Nettie Napier; thence a straight line down the hill to a sycamore bush near the bottom; thence to a willow across the branch in the bottom in an eastward course; thence in a southern direction to a sycamore; thence in the same direction on down the branch to a stone; thence eastward to an elm tree on the bank of the branch below a barn; thence eastward up the hill to a black oak on the center of the point; thence to another black oak at Sam Yates' line, or Amos Napier's line; thence with Amos Napier's line with the center of the ridge around the head of the willow branch to the corner of Lewis Neely's and the tract herein willed to Nettie Napier; thence with the line of the tract herein willed to Nettie Napier back to the place of beginning."

ITEM V. I give and devise to my son, C. B. Napier, a certain tract of land owned by me in Floyd County, Kentucky, on the waters of Abbott Creek, bounded and described as follows:

"Commencing at a sycamore and willow at the lower end of my farm at a water gap, and running up the creek with the tract of land C. B. Napier purchased of Lizzie Hopkins to a stake at the mouth of willow branch; thence running with the tract herein willed to Pearl Napier to a maple tree at the corner of said tract on a point; thence on up the hill to the corner of the tract willed herein to Amy Parrott; thence running with the boundary line of the tract herein willed to Amy Parrott to my boundary line at Sam Yates' land; thence with my boundary line, the Alley survey, a southwestern direction, to the place of beginning."

I desire to reserve through said tract from the stake in the mouth of willow branch a 12 foot right of way to the public road for the common use of Pearl Napier, and my other children. This shall be laid out on the lower side of Willow branch. And a 12 ft. road up branch, through this tract is reserved from highway to Amy Parrott's benefit. This road shall be kept open.

ITEM VI. I give and devise to my son, W. L. Napier, a certain tract of land owned by me in Floyd County, Kentucky, on the waters of Abbott Creek, bounded and described as follows:

"Commencing at the end of a cross fence on my line and Bob Frazier's line at a white oak on top of the hill; thence running with the center of the point down the hill with my line to two twin white oaks; thence a straight line to a stone just west of my house on top of the bank, to a corner of a tract sold to me by Sam Stanley; thence down the west side of the branch to a small gate near Abbott Creek; thence up the creek on top of the bank to a post at a water gap between my line and Clara Frazier's line; thence crossing the creek with the water gap to the far side of the creek; thence up the hill to the top of the point with

the partnership fence; thence with the center of the point to George William's line; thence with George William's line to a cross fence, the corner of Thomas Stanley's line; thence down the hill with a cross fence near the creek to an ash tree; thence with a straight line northwestward to a sycamore and willow on Abbott Creek; thence with my line to the top of the hill in a northeasterward direction to an ash; thence thence southwestward to a hickory bush; thence in the same direction to another hickory; thence in the same direction to a maple; thence to a white oak at the head of a little hollow; thence down the hollow to a beech on the north side of the hollow; thence northward to a black oak near a cross fence; thence in the same direction to a sycamore on the bank of the main branch that runs by my house; thence up the branch to a stake at the mouth of a hollow in the left hand side of the branch; thence running with that hollow to the edge of a bench at a cross fence; thence turning southwest with a wire fence that runs close to the place of beginning; and thence to the place of beginning.

ITEM VII. I give and devise to my daughter, Fanny Napier, a certain tract of land owned by me in Floyd County, Kentucky, on the waters of Abbott Creek, bounded and described as follows:

"Commencing at the end of a cross fence on my line and Bob Frazier's line at a white oak on top of the hill the same place as the place of beginning of the tract herein willed to W. L. Napier thence running with the tract herein willed to W. L. Napier back to the fence, reversing his line, on the other side of the mountain, first corner on this side of the ash tree corner of his line to the hickory bush; thence down the hill with the fence in a northward direction to a black gum bush near some mountain cliff rocks; thence turning westward, and running a straight line to a stone in below's garden at the main branch; thence up the branch with the meanders thereof to hornbeam bush just above a spring; thence to a stake in a hollow northward; thence up that hollow and with same to the edge of a bench at the head of the hollow, and to a locust tree; thence eastward with a fence to a cross fence; thence northwest with a fence to my line at a stone on top of the hill; thence with my line to the place of beginning."

ITEM VIII. I give and devise to my daughter, Lydia Napier, a certain tract of land owned by me in Floyd County, Kentucky, on the waters of Abbott Creek, bounded and described as follows:

"Beginning at the ash tree, the corner of the tract herein willed to W. L. Napier, thence running around the head of my branch with my line to the corner of Fanny Napier's tract; thence with the tract herein willed to the said Fanny Napier to the corner of the Fanny Napier tract at the hickory bush; thence with the line of the tract herein willed to W. L. Napier to the ash at the place of beginning."

ITEM IX. I desire that all the remaining property that I may own at the time of my death, both real and personal, be divided among my heirs as provided by law the same as if I had died intestate.

IN WITNESS WHEREOF, I have hereunto set my hand at Prestonsburg, Kentucky, this the 26th, day of December, 1936.

AMOS NAPIER

WITNESSED BY:

ALEX H. SPRADLIN

VICTORIA M. SPRADLIN

We, Alex H. Spradlin, and Victoria M. Spradlin, both of Prestonsburg, Kentucky, do hereby certify that we did on this 26th, day of December, 1936, at Prestonsburg, Kentucky, see and witness the signing of this last will and testament of Amos Napier by the said Amos Napier.

In witness whereof we have hereunto signed our names as witnesses.

ALEX H. SPRADLIN

VICTORIA M. SPRADLIN

CODICIL

TO THE LAST WILL AND TESTAMENT  
OF AMOS NAPIER.

I, Amos Napier, being of sound mind, and realizing the uncer-

tainties of life, do hereby depose, and make this a Codicil to My Last Will and Testament, made and executed on December, 26th., 1936.

Since making said will I have decided that W. L. Napier, my son and a devisee under my said will, shall, as a condition to his taking under my will, pay to my Daughter, Fanny Napier, who is likewise a devisee under my said will, the sum of Four Hundred (\$400.00) Dollars. He shall have not to exceed Five (5) Years following my death to make the said payment; and unless he does within said time make the said payment, he shall forfeit all right to the estate left him under my will. However, he shall not be required to pay interest during the time he waits before making the said payment within the Five (5) year limit.

I have further decided that my son, W. L. Napier, shall, as a condition to his taking under my said will, pay to my Daughter, Lydia Napier, who is likewise a devisee under my said will, the sum of Two Hundred and (\$250.00) Fifty Dollars. He shall have not to exceed Five (5) Years following my death in which to make the said payment; and unless he does within said time make the said payment, he shall forfeit all right to the estate left him under my will. However, he shall not be required to pay interest during the time he waits before making the said payment within the Five (5) Year limit.

My reason for adding this codicil to my will is in order that my estate may be more equally and equitably divided among my children.

IN WITNESS WHEREOF, I have hereunto set my hand at Prestonsburg, Kentucky, this 9th, day of January, 1937.

AMOS NAPIER

SIGNED BY AMOS NAPIER IN  
OUR PRESENCE THIS 9th.,  
day of JANUARY, 1936.

ALEX H. SPRADLIN  
VICTORIA M. SPRADLIN

STATE OF KENTUCKY,  
COUNTY OF FLOYD.

I, DuRan Moore, Clerk of the County Court in and for the County and State aforesaid, certify that the foregoing Will and Codicil was on the 24th day of March, 1952, approved for probation whereupon the same with the foregoing and this certificate have been duly recorded in my office.

Witness my hand, this the 2nd day of April, 1952.

DURAN MOORE, CLERK  
BY: *Durran Moore* D. C.

LAST WILL AND TESTAMENT:

I, Fred R. Gearheart, of Price, County of Floyd, State of Kentucky, being of full age and of sound mind and memory, do make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills and other testamentary dispositions of property heretofore made by me.

ITEM I. I direct that all my just debts, and funeral expenses, be paid out of my personal estate or money I may have on deposit in the bank; if insufficient, then I direct my Executrix to sell such amount of any personal property as is necessary and apply the proceeds to payment of the deficiency.

ITEM II. All the property, real and personal, of every kind, wheresoever situate, which I may own or have the right to dispose of at the time of my decease, I give, bequeath and devise to my beloved wife, Faye Counts Gearheart, absolutely, and in fee simple.

ITEM III. I leave no part of my personal estate or real property to my children, Fred R. Gearheart, Jr., Rodney Rex Gearheart, Randolph Allen Gearheart, and Madeline Marie Gearheart, because I know that my wife, Faye Gearheart, will take care of them in a right and proper manner.

ITEM IV. I make, nominate and appoint my wife, Faye Gearheart, to be the Executrix of this, my Last Will and Testament, and I request that no bond be required of her as such.

F. R. GEARHEART

I further request that no inventory of my estate be made, or taken, insofar as the same may be lawfully omitted.

IN WITNESS WHEREOF, I have signed the foregoing instrument, consisting of one(1) page, besides this, which is initialed by me, and publish the same as my Last Will and Testament, this the 13th day of November, 1951.

FRED R. GEARHEART

The above and foregoing Instrument, consisting of one (1) page, besides this, which is initialed by the said Fred R. Gearheart, was on the day and date thereof, signed, published and declared by the said Fred R. Gearheart as and for his Last Will and Testament, who executed the same by affixing his signature thereto in our presence, and we, at his request, and in his presence, and in the presence of each other, have subscribed our names as witnesses.

EDYTHE LUZMORE, Residing at Martin, Ky.

JEAN WILLIAMSON, Residing at Martin, Ky.

STATE OF KENTUCKY  
COUNTY OF FLOYD.

I, DuRan Moore, Clerk of the County Court in and for the County and State aforesaid, certify that the foregoing Will was on the 24th day of March, 1952, approved for probation whereupon the same with the foregoing and this certificate have been duly recorded in my office.

Witness my hand, this the 2 day of April, 1952.

DURAN MOORE, CLERK  
BY: *Durran Moore* D. C.

Prestonsburg, Ky.  
March 14th, 1919.

At my death, I give Edward Arnold all I may own, would like for him to give my family anything in my house they want, and Josie Cooley, my Cameo Pin, and would like for him to always help any of them or Josie Cooley in any way, or money matters that they should need. Give my girl friends any remembrances that he wants too. I have thought it right to give your sisters and brothers just as much as your means would allow, but have heard and seen my own family, do differently toward myself and feel sure Arnold will always do the right thing.

(Signed) VIRGINIA D. ARNOLD

I request that you keep my loved one's grave's up.

V.V.D.A.

STATE OF KENTUCKY,  
COUNTY OF FLOYD.

I, DuRan Moore, Clerk of the County Court in and for the County and State aforesaid, certify that the foregoing Will was on the 21 day of April, 1952 probated for record; whereupon the same with the foregoing and this certificate have been duly recorded in my office.

Witness my hand, this the 7 day of May, 1952.

DURAN MOORE  
BY: *Clara R. Stenger* D. C.