

III

I make, nominate and appoint Fred Gearheart to be the executor of this, my Last Will and Testament, and I request that no bond be required of him and that no inventory of my estate be made lawfully as the same may be lawfully omitted by law.

Signed, sealed and acknowledged by
Miranda Gearheart to be her Last Will
and Testament before us and in our
presence, and by us signed as witnesses,
at her request, in her presence and in
the presence of each other. This 19th
of June 1954-

MIRANDA GEARHEART
MIRANDA GEARHEART

DEWEY ROBERTS

SOLA ROBERTS

STATE OF KENTUCKY

COUNTY OF FLOYD

/// S. S.

I, DuRan Moore, Clerk of the County Court in and for the County and State aforesaid, certify that the foregoing Will was on the 28th day of March, 1955, 10:45 o'clock A. M., approved for record, whereupon the same with the foregoing and this certificate have been duly recorded in my office.

Witness my hand, this the 28th day of March, 1955.

DuRAN MOORE, CLERK

BY: *Burtie Skell* D. C.

(W I L L)

In the name of God, Amen: I Walton Fitzpatrick, of Weeksbury, Floyd County, Kentucky, considering the uncertainty of this mortal life, and being of sound mind and memory, Blessed be God for the same, do hereby make and publish this my last will and testament, in the form and manner, to-wit:

First. I hereby direct that my funeral expenses, the expense of administrating my estate, and all my just debts be paid out of my personal property.

Second. I hereby give and bequeath to my friends, Will Woods and Myrtle Woods of Weeksbury, Floyd County, Kentucky, the residue of my money, all cash wherever found or located; also I give and bequeath all the benefits that may be due from my burial benefits insurance, to my friends, Will Woods and Myrtle Woods, and I further give and bequeath to the said above names Woods all well fare benefits due or hereafter to become due, and all my clothing and all other personal property.

Third. I hereby appoint my friend, Will Woods, to serve without bond, of this my last will and testament, hereby revoking all former wills by me made.

In witness whereof I have hereunto subscribed my name the 21st day of September, 1949.

WALTON FITZPATRICK

We, whose names are hereunder subscribed, do hereby certify that Walton Fitzpatrick, the testator, subscribed his name to this instrument in our presence and in the presence of each of us, and declared at the same

time in our presence and hearing that this instrument was his last will and testament, and we at his request signed our names hereto in his presence at attesting witnesses.

F. P. HALL Weeksbury, Ky.

J. H. GARRISON Weeksbury, Ky.

STATE OF KENTUCKY

COUNTY OF FLOYD

:: S. S.

I, DuRan Moore, Clerk of the County Court in and for the County and State aforesaid, certify that the foregoing Will was on the 31st day of March, 1955, probated for record, whereupon the same with the foregoing and this certificate have been duly recorded in my office.

Witness my hand, this the 16th day of April, 1955.

DuRAN MOORE, CLERK

BY: *Laura Loble* D. C.

BOOK 23 PAGE 399

LAST WILL AND TESTAMENT

OF

CREED F. GEARHART

I, CREED F. GEARHART, of the City of Huntington, Cabell County, West Virginia, do hereby make, declare, and publish this to be my Last Will and Testament, hereby revoking any and all other wills and codicils by me heretofore made.

I. I direct that all my just debts and funeral expenses be paid as soon after my decease as conveniently can be done.

II. I give, devise and bequeath all of my property, real and personal, or mixed, wherever situated, and whether acquired before or after the execution of this will, to my beloved wife, Ima M. Gearhart, in fee simple, as her own absolutely, provided, however, that if my said wife, Ima M. Gearhart, perishes in a common disaster with me or fails to survive me more than ten (10) days, then, in either event, I now provide that all of my said property shall go as follows:

(A) I give, devise and bequeath my house at No. 636 Fifteenth Street in said City of Huntington to my daughter, Thelma G. Fralic.

(B) I give, devise and bequeath all of the rest, residue and remainder of my said property unto my two children, Creed F. Gearhart, Jr., and Thelma G. Fralic, in equal shares, share and share alike.

CABELL
COUNTY
CLERK

MAY 3
1:32
P.M. 1954

III. I nominate, constitute and appoint my said wife, Ima M. Gearhart, Executrix of this, my Last Will and Testament, and request the Court in which or the Clerk before whom she shall qualify, to require no security or bond of her as such.

IN TESTIMONY WHEREOF, I, Creed F. Gearhart, do hereby set hereunto my hand and seal to this, my Last Will and Testament, this 9th day of February, 1954.

his
CREED F. GEARHART (SEAL)
mark

The foregoing instrument was signed, sealed, acknowledged, published and declared by Creed F. Gearhart as and for his Last Will and Testament, consisting of one page, in our presence and in the presence of each of us, and we at the same time at his request and in his presence and in the presence of each other, hereto subscribe our names as attesting witnesses, on this 9th day of February, 1954.

MARY WELLMAN 1669 Washington Avenue, City
WITNESS ADDRESS

MAURICE J. FLYNN 2106 Enslow Blvd., City
WITNESS ADDRESS

At the regular session of the County Court of Cabell County, West Virginia, held at the Court House thereof, on the 3rd day of May, 1954, the following order was made and entered:

IN THE MATTER OF THE PROBATE OF THE LAST WILL AND TESTAMENT OF CREED F. GEARHART, DECEASED.

This day came Imma M. Gearhart & Maurice Flynn, Attorney and presented in Open Court a paper writing bearing date the 9th day of February, 1954, signed by Creed F. Gearhart who died on April 20th, 1954, and witnessed by Mary Wellman & Maurice Flynn and moved the Court to probate the same as said decedent's Last Will and Testament. And thereupon the said Mary Wellman & Maurice Flynn the subscribing witnesses, being duly sworn, testified that the said Creed F. Gearhart had signed said paper writing on the date thereof in the presence of said subscribing witnesses, declaring the same to be his Last Will and Testament and that they at his request and in his presence and in the presence of each other, they believing the testator to be of sound mind and memory, had affixed their names thereto as attesting witnesses.

And the Court being satisfied that it has jurisdiction in this matter, and no one appearing and objecting to the probate of said paper writing, it is ordered that the same be, and it hereby is, duly probated and ordered recorded as and for the true Last Will and Testament of said CREED F. GEARHART, deceased.

Teste: P. A. WARE CLERK, C. C. C.

BY: LES FOX Deputy

WILL BOOK # 23
PAGE # 399
JAN. 18, 1955

A TRUE COPY FROM THE RECORD

TESTE: P. A. WARE
CLERK OF THE COUNTY COURT OF
CABELL COUNTY, WEST VIRGINIA

BY: P. A. WARE

STATE OF WEST VIRGINIA
COUNTY OF CABELL

:: SS

I, James M. Donohoe, President of the County Court of Cabell County, in the State of West Virginia, do certify that P. A. Ware, Clerk of the County Court of Cabell County, West Virginia, by whom the annexed record, certificate and attestation were made and given, and who in his own proper handwriting, thereunto subscribed his name and affixed the seal of said County Court of said Cabell County, was at the time of so doing and now is the Clerk of said County Court in and for said County of Cabell, in the State of West Virginia duly elected and qualified to all of whose acts as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere, and that said record certificate and attestation are in due form of law and made by the proper officer.

Given under my hand and the Seal of said court, at the City of Huntington, West Virginia, this 18 day of January, A. D., 1955.

(COURT SEAL)

JAMES M. DONOHOE, President
County Court, of Cabell County,
West Virginia

STATE OF WEST VIRGINIA

CABELL COUNTY COURT CLERK'S OFFICE

I, P. A. Ware, Clerk of the County Court of Cabell County, West Virginia, do certify that the Honorable James M. Donohoe, by whom the foregoing attestation was made and who has heretofore subscribed his name, and who in his own proper handwriting thereto subscribed his name, was, at the time of the making thereof, and still is, President of the County Court of Cabell County, West Virginia, duly elected and qualified, to all of whose acts as such full faith and credit are and ought to be given, as well as in Courts of Judicature as elsewhere.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said court, at the City of Huntington, West Virginia, this the 18 day of January, A. D., 1955.

(COURT SEAL)

P. A. WARE
CLERK
County Court, of
Cabell County, West
Virginia

STATE OF KENTUCKY

:: SCT.

COUNTY OF FLOYD

I, DuRAN MOORE, Clerk of the County Court in and for the County and State aforesaid, hereby certify that at a regular County Court held for Floyd County at the Courthouse, in the City of Prestonsburg, Kentucky, on the 28th day of March, 1955, the foregoing instrument of writing, purporting to be the last Will and Testament of Creed F. Gearhart, deceased, late of Cabell County, West Virginia, was produced in said court and proven in the manner required by law to be the last Will and Testament of the said Creed F. Gearhart.

Whereupon the same was duly probated and established by the Court to be the last Will and Testament of the said Creed F. Gearhart, and was ordered to be and, together with this certificate, has been duly recorded in my office as Clerk of said Court in Will Book "B", at Page 239.

Witness my hand and seal of office as Clerk aforesaid, this the 16th day of April, 1955.

DuRAN MOORE, CLERK
BY: *James M. Donohoe* D.C.

March 22, 1951

This is my testimony and Last Will. I Josie Cooley Hall bequith to my sister Mary Cooley Turner my entire estate.

JOSIE HALL
VERSA TURNER
HERSHEL TURNER

STATE OF KENTUCKY

:: S. S.

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 28th day of March, probated for record, whereupon the same with the foregoing and this certificate has been duly recorded in my office.

Witness my hand, this the 16th day of April, 1955.

DuRAN MOORE, CLERK
BY: *James M. Donohoe* D.C.