

Allen, known as Pete Allen, I will and bequeath all of the remainder of my "real estate" except my vacant lots on the "East Side of Main Street, in the City of Prestonsburg, Kentucky, and I desire that all of said vacant lots be sold by my Executor, if she thinks best and the proceeds thereof be reinvested by her or loaned out on interest.

FIFTH: I will and bequeath to my four grand children, Pearl Allen, Miriam Waggett Allen, Jim Allen, and Susan Allen, and to my daughter, Mrs. Jim Allen, a one-eighth interest each, in the income derived from my stocks and bonds and other property, for the purpose of their living comfortable.

SIXTH: I will and bequeath all of my other personal property to Mrs. Jim Allen, known as Pete Allen, and she shall have power to sell all or all of my stocks, bonds, and other securities, and reinvest the same at any and all times she so desires, and the income derived from said investments shall be divided equally as set out herein each six months as it is received and paid into the hands of my said daughter, Mrs. Jim Allen, as Executor of my will.

SEVENTH: I do hereby make, nominate and appoint Mrs. Jim Allen, known as Pete Allen, my daughter, of Prestonsburg, Kentucky, to be the Executor to this my last will and testament, and she shall not be required to execute any bond whatever.

EIGHTH: After the death of Mrs. I. T. Craft and Mrs. Jim Allen, my two only children, then it is my will that all of my property shall pass to the four (4) children of Mrs. Jim Allen, named herein in equal proportion.

In witness whereof, I have hereunto set my hand and seal at Prestonsburg, Kentucky, on this the 6th day of January, 1935.

Hiram Harris.

WITNESSES:

W. W. Williams,
E. E. Clark.

STATE OF KENTUCKY,

COUNTY OF FLOYD, 1935.

I, A. J. Meade, Clerk of the County Court in and for the County and State aforesaid certify that the foregoing Will was on the 23rd day of December, 1935, lodged for record; whereupon the same together with the foregoing and this certificate have been duly recorded in my office.

Witness my hand this the 23rd day of December, 1935.

A. B. Meade, Clerk,
By Mollie Friend Auxier D. C.

LAST WILL AND TESTAMENT OF MOLLIE FRIEND AUXIER.

I, Mollie Friend Auxier, of Prestonsburg, Floyd County, Kentucky, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my last Will and Testament, hereby revoking all Wills heretofore made by me --- that is to say:

ITEM ONE.

I believe in God; in His Son Jesus the Christ, and in the Word of God as revealed in the Holy Bible, the precepts and teachings of which I have tried to follow; which precepts and teachings I command to my children and grand children and those to follow them and to all Mankind.

ITEM TWO.

I request and direct that all my just debts and my funeral expenses be paid by the Executor herein named as soon after my death as may be practicable.

ITEM THREE.

I will and bequeath the following articles of personal property to the following named persons respectively:

1. To my son Samuel Robert Auxier and my daughter-in-law, Anna Tucker Auxier, the chest of drawers in my room in the Auxier Hotel and all furniture and household equipment owned by me which is in the small residence on the lot adjoining the Auxier Hotel, except one large dresser therein which was bought by my son John Friend Auxier.

2. To my son John Friend Auxier the above mentioned dresser and the chiffonier in the hall of the Auxier Hotel and the bed and dresser in his room in said Hotel, and the rocker saved out of the fire, which destroyed the residence on Graham Street.

3. To my son Samuel Robert Auxier my bed.

4. To my great-grand-daughter, Mary Auxier Ford, the bed, easy chair and watch that belonged to my deceased daughter, Anna Auxier.

ITEM FOUR

I Will and bequeath to each of my grand daughters, Mary Luck Simpson, Mary Elizabeth Ford and Jane Day Auxier the sum of (\$1.00) One dollar, to be paid to them by my Executor.

ITEM FIVE.

I Will and bequeath to my son, Samuel Robert Auxier, as Trustee for my great-grand-daughter, Mary Auxier Ford, the sum of \$500.00, under the directions and in trust as follows:

Said Samuel Robert Auxier shall as Trustee for my said great-grand-daughter, receive and invest the said \$500.00 in any way and upon any security he may deem prudent; he may invest the entire amount until the termination of the trust or he may from time to time pay to her or for her benefit any part thereof he may desire; but when she arrives at the age of 18 years he shall pay the same, or any remainder thereof, with any and all accumulations thereon, unto my said great-grand-daughter, or to her then legal guardian. If my said great-grand-daughter should die before arriving at the age of 18 years, the said sum, or the remainder thereof as the case may be, with all accumulations thereon shall pass to and belong to my son, Samuel Robert Auxier and his wife Anna Tucker Auxier, simple and share alike if both be living, and if they both be not living, the whole thereof to the survivor, and if my said great-grand-daughter die before arriving at the age of 18 years, and if said Samuel Robert Auxier and Anna Tucker Auxier both predecease her then and in that event the said sum or the remainder thereof as the case may be, with all accumulations thereon shall be treated as undisposed of estate and pass to and belong to my descendants according to the Statutes of descent and distribution.

This bequest in favor of my said great-grand-daughter is motivated by the fact, which I am desirous of expressing that she has been a source of great comfort to me.

ITEM SIX

All the rest and residue of the property of every kind, nature and character, which I may own at my death, I Will, bequeath and devise equally and share and share alike to my daughter, Emma Gertrude Theobold, and my two sons, Samuel Robert Auxier and John Friend Auxier, subject however, to the trust provided with respect to share of my son, John Friend Auxier as follows:

Said Samuel Robert Auxier shall, as Trustee for my son, John Friend Auxier, receive the share of my said last named son, and he may at his discretion hold all or any part of the same as Trustee aforesaid, for the period of five (5) years after my death, and may invest the same or any part thereof, or not, and if in any income producing securities as he may deem prudent; or he may divide the same, pay such entire share or parts thereof from time to time, to my son, said John Friend Auxier, before the expiration of said 5 year period; but at the expiration of said 5 years the said Samuel Robert Auxier shall pay the same or the part then so held, with any and all accumulations thereon to my son, John Friend Auxier, if he be then living, and if he be dead, the said share or the remainder as the case may be, with any accumulations thereon, shall be treated as undisposed of estate and pass to and belong to my descendants according to the Statutes of descent and distribution.

ITEM SEVEN.

My son, Samuel Robert Auxier, as Trustee aforesaid, shall not be held accountable for any loss which may accrue to John Friend Auxier, or Mary Auxier Ford, or to the share of John Friend Auxier, or to the fund provided for Mary Auxier Ford, by reason of the exercise or non-exercise of the discretion and judgment of the said Samuel Robert Auxier under said trusts.

ITEM EIGHT.

If any beneficiary named herein shall institute any legal action or proceeding contesting the provision of the Will in his or her favor or against this Will, such action shall ipso facto operate as a rescission, cancellation and forfeiture of the devise and/or bequest herein contained in favor of such beneficiary and such beneficiary shall also be excluded from any share, interest or portion in any remainder which may arise under Items Five and/or Six of this Will, and the share, interest or portion herein appointed to such person shall in such event be treated as undisposed of estate and pass to and belong to my descendants according to the Statutes of descent and distribution, excluding however such beneficiary as may institute such action or proceeding.

ITEM NINE

I nominate my son, Samuel Robert Auxier as Executor of this my last Will and Testament and request that no bond be required of him as Executor or Trustee aforesaid.

IN WITNESS WHEREOF I have subscribed my name hereto in the presence of witnesses the 6th day of July, 1935.

MOLLIE P. AUXIER

Signed by Mollie Friend Auxier and by her acknowledged to be her last Will and Testament in our presence, sight and hearing, who at her request, have hereunto subscribed our names as witnesses in her presence, and in the presence of each other, at Prestonsburg, Kentucky, this the 6th day of July, 1935.

ANDREW E. AUXIER
MAYO DAVIS

residing at Pikeville, Ky.
residing at Pikeville, Ky.

I, Mollie Friend Auxier, do hereby make publish and declare this to be a Codicil to my last Will and Testament, dated the 6th day of July, 1935, hereby re-