

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-

voking the said Will so far, and only so far, as the same conflicts with this Codicil, hereby reaffirming my said last Will and Testament in every other respect, that is to say:

I bequeath to my daughter, Emma Gertrude Theobold, one share of stock of the Auxier Coal Company, and to my son, Samuel Robert Auxier, one share of stock of said Company.

I hereby modify Item Six of my said last Will and Testament to the following extent, that is to say:

I hereby revoke the appointment of my son, Samuel Robert Auxier, as Trustee for my son, John Friend Auxier, to the extent and as hereafter set forth. I hereby appoint the Trust Department of The First National Bank, Pikeville, Kentucky, as Trustee for my son, John Friend Auxier, and of his share in my estate, except the furniture mentioned in Paragraph 2 of Item Three of my said last Will and Testament. Said Trust Department shall receive the share of my said son, except said furniture, and I direct the Trust Department of said Bank to pay to my said son, John Friend Auxier, the sum of Twenty (\$20.00) Dollars per month out of the sum and summing the receipt of my said son therefor, the said Trust Department shall not be further liable with respect to the said Twenty (\$20.00) Dollars per month. I further authorize the Trust Department of said Bank to pay to or for said son additional amounts over and above said sum of Twenty (\$20.00) Dollars per month out of his share, upon, and only upon the written request or consent of my son, Samuel Robert Auxier. The said Trust Department shall continue to be Trustee of the share of said John Friend Auxier until his share of my estate under said last Will and Testament is exhausted by disbursement as herein authorized and said Trust Department is hereby authorized and empowered to invest the share of my said son, and change the form of its investment, from time to time, according to the discretion of the Officers of said Department, and neither said Trust Department or said Trust Officers shall be liable for any error or judgment with respect to said investment or change of investment.

If said John Friend Auxier should die before receiving all of his share from said Trust Department as authorized in this Codicil, the part thereof remaining shall pass as provided by the latter part of Item Six of my said last Will and Testament.

(a) If said John Friend Auxier should sell, assign, dispose of, or encumber, or attempt to sell, assign, dispose of or encumber his share of my estate while same is in the possession and control of said Trust Department, or before coming into said Trust Department, or if any creditor should attempt to subject such share or any part thereof by execution, attachment or other legal process, then and in that event, payment of said Twenty (\$20.00) Dollars per month to said John Friend Auxier by said Trust Department, and payments of additional amounts by it as in this Codicil provided shall cease and thereupon the said Trust Department and Officials thereof shall be vested with an absolute discretion to pay to said John Friend Auxier such amounts and such amounts only, and at such times as in their judgments are fit and proper, but if the provisions or any of the provisions of this paragraph (a) of this Codicil should be declared invalid the remainder of this Codicil shall not be affected but shall remain in full force.

Dated at Prestonsburg, Kentucky, this the 3rd day of January, 1936.

MOLLIE FRIEND AUXIER

Signed by Mollie Friend Auxier and by her acknowledged to be a Codicil to her last Will and Testament, dated July 6th, 1935, in our presence, sight and hearing, who at her request have subscribed our names as witnesses, in her presence, and in the presence of each other, at Prestonsburg, Kentucky, this the 3rd day of January, 1936.

ANDREW E. AUXIER
MAYO DAVIS

residing at PIKEVILLE, KY.
residing at PIKEVILLE, KY.

STATE OF KENTUCKY

COUNTY OF FLOYD SGT.,

I, A. B. MEADE, Clerk of the County Court in and for the County and State aforesaid certify that the foregoing Will was on the 27th day of January, 1936 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 28th day of January, 1936.

Attest, A. B. MEADE, Clerk

By Maggie Bailey D.C.

WILL OF LUCINDA LAYNE

I, Lucinda Layne being of sound mind, this being my second Will and Testament hereby dispose of my personal belongings as follows

First, that Trimble Layne is to have the following furniture, consisting of one Settee set or Living Room Suit, one Dining Room Set, also one Table, Six Chairs, one Buffet, one Kitchen cabinet, One Washing Machine, One Iron Bed, Mattress and Spring.

Second, that proceeds of a note of Eight (\$800.00) Hundred Dollars, owed to me by Bell Spears, shall belong to Wm. Layne at my death.

Third, that $\frac{1}{2}$ of the proceeds of one note of One (\$1000.00) Thousand Dollars owed to me by Loreda Branson shall belong to Ada Spears at my death.

This Will and Testament supercedes all previous disposition of property mentioned above.

This being my Last Will and Testament. This 10th day Feb. 1933.

Witness:

J. M. Stumbo
Della Stumbo

her
LUCINDA x LAYNE
mark

This being my Second Will, I Lucinda Layne, being of sound mind, I hereby dispose of my property as follows:

First, that all of my just debts and funeral expenses be paid,

Second, that Chattie Layne Small, shall have House and Lot on land laid off to said Lucinda Layne in the division of the late Broadus Layne, Estate.

Said Chattie Layne Small upon accepting the benefits of the above conveyance shall pay to Trimble Layne One Thousand (\$1000.00) Dollars, the intention is for Trimble Layne to receive One Thousand Dollars from the above property.

This being my Last Will and Testament.

This 27th day of Oct. 1932.

Witness:
Della Stumbo
J. M. Stumbo

her
LUCINDA x LAYNE
mark

STATE OF KENTUCKY

COUNTY OF FLOYD SGT.,

I, A. B. MEADE, Clerk of the County Court in and for the County and State aforesaid certify that the foregoing Will was on the 24th day of February, 1936 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 28th day of February, 1936.

Attest, A. B. MEADE, Clerk

By Maggie Bailey D.C.

WILL OF N. C. BOUGHTON

June 8, 1936.

GREETINGS:

I, N. C. Boughton being in my right mind do hereby make my last Will and Testament.

All of my earthly goods, my estate, my insurance, my property and each item of worth I leave to my beloved wife and companion, Elsie J. Boughton, without any restrictions.

I further request that she be made Administratrix and would like for Henry Stephens, Jr., of Prestonsburg to advise her in any transaction or disposition of property, however, he is to serve without pay or compensation.

Since my faith in my wife, Elsie, is supreme, I request that Elizabeth be cared for according to her desire. I would like for any money that could be spared to be set aside for her educational advantages and would like further that she be sent to Ashbury for her education and religious advantages (if Ashbury remains as it is).

My last request is that Elsie will train "my baby" Elizabeth with all the care and love of her life to be a Christian girl and woman.