

IN WITNESS WHEREOF, I have hereunto set my hand at Coveington, Kentucky, this 16 day of March, 1931.

TOBE T. WEBB

Signed and acknowledged by Tobe T. Webb in our presence as and for his Last Will and Testament, and signed by us as witnesses thereto at his request and in his presence and in the presence of each other.

FRANK P. COLVILLE
B. B. WEBSTER

STATE OF KENTUCKY

COUNTY OF FLOYD SCT.,

I, A. B. MEADE, Clerk of the County Court in and for the County and State aforesaid certify that the foregoing Will was at the 30th day of May 1933 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 26th day of June, 1933.

Attest, A. B. MEADE, Clerk

By Maggie Bailey D. C.

WILL OF JOHN C. B. AUXIER

IN THE NAME OF GOD, AMEN:-

I, the undersigned, John C. B. Auxier, of Prestonsburg, Floyd County, Kentucky, being of sound mind and disposing memory, but realizing the uncertainty of this life, do make, publish and declare this to be my last will and testament, hereby revoking any, and all, other wills heretofore made by me.

FIRST: I give and bequeath unto my beloved wife, Mollie E. Auxier, one-half of all of my personal property, whatsoever said personal property may be situated, and which shall include, but shall not be limited to, cash, notes, accounts, choses in action, stocks, bonds and all other personal property of every kind and character which I shall own or possess at the date of my decease.

SECOND: I will and direct that all of my just debts, funeral expenses and costs of administration of my said estate be paid out of the remaining one-half of my said personal property, and, after the full payment and discharge thereof, I give and bequeath the remainder of my said personal property, if any there be, to my children, Anna Lee Auxier, Emma Gertrude Theobald, Samuel Robert Auxier and John Friend Auxier, and to my grand-daughter, Mary Luck, an equal one-fifth interest each, where and share alike.

THIRD: I give and devise unto my beloved wife, Mollie E. Auxier, for and during her natural life, one-third of all of my real estate which I shall own at the date of my decease, and whatsoever situated.

FOURTH: Subject to the life estate given and devised unto my beloved wife, Mollie E. Auxier, as set out and contained in the **THIRD** paragraph hereinabove set out, I give and devise unto my children, Anna Lee Auxier, Emma Gertrude Theobald, Samuel Robert Auxier and John Friend Auxier, and to my grand-daughter, Mary Luck, the equal one-fifth interest, share and share alike, in and to all of my real estate which I shall own at the date of my decease, and whatsoever situated, subject, however, to the following conditions, limitations and restrictions, viz:

(a) I will and direct that none of the devisees hereinabove, and in the **FOURTH** paragraph hereof, specifically designated and named, shall sell, alien, convey, mortgage or encumber any, or all, of the said real estate so devised to them, or any of them, for a period of five (5) years next following the date of my decease, provided, that any one, or more, of said devisees may sell, alien, convey, mortgage or encumber the interest, or interests of such devisee, or devisees, in said real estate to one, or more, of the other devisees named her in within such five (5) year period, and if any of said devisees shall sell, or shall attempt to sell, alien, convey, mortgage or encumber any, or all, of the said real estate so devised to them, or any of them, for a period of five (5) years next following the date of my decease, except to one, or more, of the other devisees named herein, then, and upon the happening thereof, I give and devise the interest of such devisee, or devisees, to my daughter, Anna Lee Auxier, in fee simple.

(b) For the purpose of aiding the said devisees hereinabove, and in the **FOURTH** paragraph hereof, specifically designated and named, in securing a larger and better income from the said real estate so devised to them, during the five (5) year period in which they are limited and restricted in the matter of sales, alienations, mortgages and encumbering the said real estate so devised to them, I hereby authorize and empower my beloved wife, Mollie E. Auxier, to execute, acknowledge and deliver contracts and leases for the development, operation, drilling and mining of any, and all, coal, minerals, gas and gases on, in and under any, and all, of my said real estate which she may deem proper and profitable, and upon such terms and conditions as will, in her judgment, secure the largest and best income from said real estate. To this end she is authorized, directed and empowered to collect any, and all, income, rentals and royalties accruing under said contracts and leases, and distribute and disburse the same among said devisees, as their interests shall appear

upon the date, and dates, of such disbursement and distribution. In the event my beloved wife, Mollie E. Auxier, shall not be living at the date of my decease, or in the event she shall be living at the date of my decease, but shall die before the expiration of the five (5) year period hereinabove set out and referred to next following the date of my decease, then, and in that event, I authorize, direct and empower my daughter, Emma Gertrude Theobald, to do and perform each, and all, of the acts and things hereinabove authorized, directed and empowered to be done and performed by my beloved wife, Mollie E. Auxier, for, and during, the said period of five (5) years hereinabove provided, and upon the same terms and conditions.

FIFTH: Until the interest mentioned and referred to in the **THIRD** paragraph hereof shall have been set apart and laid off to my beloved wife, Mollie E. Auxier, she is authorized and empowered to lease and rent all of my said real estate and collect the rentals accruing from said lease contracts, and for her services in so doing she shall have the right to retain an amount equal to one-third thereof, and the remaining two-thirds thereof she will disburse and distribute among my children, Anna Lee Auxier, Emma Gertrude Theobald, Samuel Robert Auxier and John Friend Auxier, and my grand-daughter, Mary Luck, in the proportion of an equal one-fifth each.

SIXTH: I hereby nominate and appoint my beloved wife, Mollie E. Auxier, as Executrix of this my Last Will and Testament, and request that she be allowed and permitted to qualify as such Executrix and administer my estate without any bond being required of her as such. In the event my beloved wife, Mollie E. Auxier, shall not survive me, then I hereby nominate and appoint my beloved daughter, Emma Gertrude Theobald, as Executrix of this my Last Will and Testament, and request that no bond be required of her as such.

IN TESTIMONY WHEREOF, I have hereunto set my hand this the 16th day of January, A. D. 1933.

JOHN C. B. AUXIER

Signed by John C. B. Auxier, and by him acknowledged to be his Last Will and Testament, in our presence, sight and hearing, who at his request have herunto subscribed our names as witnesses thereto in his presence, and in the presence of each other, at Prestonsburg, Floyd County, Kentucky, this the 16th day of January, A. D. 1933.

HENRY STEPHENS, Jr.

J. C. HOPKINS
Both of Prestonsburg, Kentucky.

Codicil No. 1:

It appearing from the foregoing will, executed by me on January 16, 1933, that I have failed to nominate and empower in case my wife, Mollie, becomes incapacitated, or declines to act, my daughter, Emma Gertrude Theobald, as executrix, with all the powers given therein, and, it being my desire that my said daughter act as such, I do hereby add on page 3, paragraph 4, line 11, between the words "decease" and "then" the following:

"Or if she shall become
incapacitated, or decline
to act"

So that, in any of such events, my said daughter shall be empowered to act as fully and completely in the premises as my said wife could have done.

Executed at Prestonsburg, Kentucky, this 16th day of June, 1933.

The above Codicil No. 1, to the will of J. C. B. Auxier was signed and acknowledged by him in our presence, and at his request witnessed by us and our names as attesting witnesses thereto were signed in the presence of each other and in said testator's presence, this 16th day of June, 1933.

HENRY STEPHENS, Jr.

RUSSELL HUNTER
Attesting witnesses to Codicil No. 1

STATE OF KENTUCKY,
FLOYD COUNTY,....

I, Russell Haggwood, a Notary Public, within and for the County and State aforesaid, do hereby certify that the within codicil No. 1 to the will of J. C. B. Auxier, was produced to me by the said J. C. B. Auxier, and duly signed and acknowledged by him and of his own free will and accord for the purpose therein stated, given under my hand and Seal this June 16th 1933.

RUSSELL HAGGWOOD
Notary Public, Floyd County, Ky.
My Commission expires on January 16th
1936.

