

Having been a consistent member of the Methodist Episcopal Church South in Prestonsburg, Kentucky, practically during all my life, it is my wish and desire that the services at my funeral be performed by the Rev. J. M. Helm, pastor of said Church, and in the performance thereof I desire that he shall read as a part of the services the 14th Chapter of John to the fifth verse and also the 23rd Psalm. I wish and desire that my niece, Josephine Harkins Browning, shall sing as a part of said services as a solo the song entitled "Jesus Lover of my Soul".

Signed in the presence of the undersigned witnesses:
February 20, 1934.

Witness: B. P. Friend
Witness: Judith D. Friend.

Sallie D. Fitzpatrick

STATE OF KENTUCKY,

County of Floyd Co.:

I, A. B. Meade, Clerk of the County Court in and for the County of State aforesaid certify that the Will was on the 25th day of February, 1935 Lodged For record; whereupon the same together has had over 30 days for exception and none having been filed same has been duly recorded in my office.

Witness my hand this the 25th day of March, 1935.

Attest: A. B. Meade, Clerk

By *Maggie Biddy* D.C.

LAST WILL AND TESTAMENT OF
JUSTUS COLLINS

I, JUSTUS COLLINS, of Charleston, West Virginia, do hereby make and declare this to be my last will and testament, hereby revoking all former wills and testamentary disposition made by me.

FIRST: I direct my executors hereinafter named to assemble my personal estate as speedily as possible after my death and, after paying all my debts and funeral expenses and costs of administration, to promptly pay, set over, transfer and deliver the residue, from time to time as assembled by them, to my testamentary trustee or trustees hereinafter named and their successors in office. I further direct that, as far as practicable and expedient, all stocks, bonds (other than mere note evidence of debt), securities, and all other personal property (except bills, notes and accounts receivable, choses in action, decrees and judgments for money, and claims and demands generally embraced in my estate), be transferred and delivered by my said executors to my testamentary trustee or trustees in kind and specie.

SECOND: I give, devise and bequeath all of my estate, real, personal and mixed, of every kind, quality and description, wherever situated, after the payment of debts, funeral expenses and costs of administration, to my testamentary trustee or trustees and their successors in office hereinafter named and provided for, in, for and upon the purposes and trusts hereinafter specified.

THIRD: I appoint my son, GEORGE R. COLLINS, of Charleston, West Virginia, and LAMAR EPPERLY, of Bluefield, West Virginia, executors of my estate. I direct that no security shall be required of them or either of them as executors; and it is my desire that no charge be made by them or either of them for administering my estate.

FOURTH: I hereby appoint and designate my son, GEORGE R. COLLINS, of Charleston, West Virginia, and LAMAR EPPERLY, of Bluefield, West Virginia, joint trustees under this will. Power is hereby expressly conferred upon each of said trustees to appoint his successor, and to confer at his discretion upon the successor so designated by himself the power to appoint his own successor. Each succeeding trustee upon whom the power to appoint his successor has been conferred may likewise confer upon the successor designated by himself the power to appoint his own successor. Should there at any time be only one trustee authorized to act hereunder, such trustee, or his successor, shall, so long as he is the sole trustee hereunder, be vested with all the title and authority herein given the two trustees named and their successors; but in such event, or in the event there should at any time be no trustee to act hereunder, the Circuit Court of Kanawha County, West Virginia, or the Judge thereof in vacation, may, on motion of any beneficiary of the trust estate, after notice to the remaining trustee, if any, and notice to the remaining beneficiaries, appoint another trustee, or trustees as the case may be, which trustee or trustees so appointed shall thereupon be vested with all the title and authority vested in the two trustees herein named and their successors. Every power of appointment conferred by this paragraph shall be exercised either by will or by instrument in writing in due form, executed, acknowledged and delivered to the person appointed during the lifetime of the appointor; but if the latter, the power shall be made, and shall be, expressly revocable by the appointor at and in his option and discretion during his lifetime.

FIFTH: The trustee or trustees hereunder is and are authorized and empowered,

in his or their discretion, conformably with the intents and purposes, and subject to all the provisions, of the trust hereby created, to convert and re-convert realty into personalty and personalty into realty; to sell, transfer, deliver, convey, assign, lease, mortgage, or pledge, all or any part of the trust property, real, personal or mixed; to re-invest all or any part of the proceeds of property so sold or otherwise disposed of by them; to invest and re-invest from time to time all or any part of the surplus of income after paying to and setting aside for the beneficiaries hereunder the amount to which they are entitled; to make improvements upon lands, raise old and erect new buildings, and, generally, to repair any part of the trust property; to insure the trust property; to develop and operate coal and cement lands and other mineral interests; to bind the trust estate by contracts; and, generally, they are authorized, empowered and directed to invest, conserve, handle and manage the trust funds and property and the business of the estate in a prudent and businesslike manner, the same as though the trust estate were actually owned by themselves, except in so far as the exercise of such general authority and power would defeat or contravene, or tend to defeat or contravene, any particular intent, purpose, or provision of this will and no purchaser or purchasers from the trustees shall be required to see to the application of the purchase money. The trustee or trustees shall keep accurate record and books of account of all his or their transactions, of the property and funds which may come into his or their hands, and of all expenditures and disbursements; and shall have his or their books of account and vouchers audited annually by some competent disinterested accountant, and also whenever at any other time there shall be a change in the personnel of the trustee or trustees hereunder. The trustee or trustees shall be entitled, as full compensation for his or their services hereunder, to five percent (5%) annually of the net earnings of the entire estate; and they shall also be entitled to allowance for attorneys' fees and actual traveling, accounting and other legitimate expenses of administration. Before either of the trustees named, or any successor of them, shall be authorized or entitled to act as trustee hereunder, he, she, or he shall give bond for the faithful performance of his duties as such trustee in the sum of Five Thousand Dollars (\$5,000.00) with some solvent surety company as surety.

SIXTH: When this trust shall have ceased and determined, I direct the then trustees hereunder to do and perform all such formal acts and things, and to make, execute and deliver all such conveyances or other assurance or assurances, and to make and execute all such transfers and deliveries, as may be proper, necessary or requisite, to fully and effectually vest, in the person or persons entitled, the legal, as well as the equitable, title and ownership of my said estate.

SEVENTH: I direct my said trustees to retain twenty percent (20%) of the net income from my estate as it accrues and to add the same to the corpus of my estate. The remaining eighty percent (80%) of the net income from my estate shall be disbursed by said trustees as it accrues as follows:

My daughter, Helen M. Beury, shall be paid so long as she lives an annual annuity of Four Thousand Dollars (\$4,000.00), payable, as far as practicable, in quarterly installments.

My daughter, Phyllis Waters, shall be paid so long as she lives an annual annuity of Three Thousand Dollars (\$3,000.00), payable, as far as practicable, in quarterly installments.

The remainder of such eighty percent (80%) of the net income from my estate shall be paid by my trustees, subject to the provisions hereinafter set out, one-half to my said son, George R. Collins, during his lifetime, and thereafter to such person or persons as he may have designated by will, or if he have made no provision by his will, to his legal distributees; and one-half to my daughter, Amy W. Venable, if she be living, otherwise to her surviving children or descendants of deceased children, per stirpes, or if there be no surviving children or descendants of deceased children, then one-third of said one-half to said Helen M. Beury, if she be living, otherwise to such person or persons as said Helen M. Beury may have provided by will, or if there be no such provision by will, then to the legal distributees of said Helen M. Beury; one-third thereof to said Phyllis Waters, if she be living, otherwise to such person or persons as she may have provided by will, or if there be no such provision by will, then to her legal distributees, and the remaining one-third of said one-half to said George R. Collins, if he be living, otherwise to such person or persons as he may have provided by will, or if there be no such provision by will, then to his legal distributees.

EIGHTH: If for any year, however, the payment of the full amount of the above mentioned annuities to my daughter Helen M. Beury and my daughter Phyllis Waters would reduce the amount which my said son George R. Collins (or those to whom his share is payable in case of his death), and which my said daughter Amy W. Venable (or those to whom her share is payable in case of her death) would receive for such year below the aggregate sum of Seven thousand dollars (\$7,000.00), when for any such year the net income from my estate shall be divided equally between said Helen M. Beury, of the one part, if she be living, Phyllis Waters, of the one part, if she be living, George R. Collins (or those to whom his share is payable in case of his death) of the one part, and Amy W. Venable (or those to whom her share is payable in case of her death) of the other part.

NINTH: I further direct my trustees, during the first year of the trust, to pay the sum of Five Hundred Dollars (\$500.00) to Richard M. Venable, the husband of my daughter Amy W. Venable, if he survive me, and a like sum to each of my grandchildren, the children of my daughter Helen M. Beury, to-wit: Joseph L. Beury, Justus C. Beury, John H. Beury, Julia D. Beury and Helen R. Beury, who survive me; provided, however, if such payments, if actually made, would prevent the payment in full for the first year of the annual annuities hereinafter provided for Helen M. Beury and Phyllis Waters, and the payment of at least the sum of Three thousand Five Hundred Dollars (\$3,500.00) to George R. Collins (or those to whom his share is payable in case of his death) and at least the sum of Three thousand Five Hundred Dollars (\$3,500.00) to Amy W. Venable (or those to whom her share is payable in case

of her death) under the foregoing provisions of this will, then only such proportionate part of the said sum of Five Hundred Dollars (\$500.00), if any, shall be paid in each instance, as will leave sufficient funds in the hands of said trustees out of the said eighty percent (80%) of the net income from my estate to pay said annuity of Four Thousand Dollars (\$4,000.00) to said Helen M. Beary, said annuity of Three Thousand Dollars (\$3,000.00) to said Phyllis Waters, and to pay for such first year not less than the sum of Three Thousand Five Hundred Dollars (\$3,500.00) to said George R. Collins (or those to whom his share is payable in case of his death) and not less than the sum of Three Thousand Five Hundred Dollars (\$3,500.00) to said Amy T. Venable (or those to whom her share is payable in case of her death).

TENTH: My estate shall be vested in said trustees and the income disbursed as hereinbefore provided, until the death of both said Helen M. Beary and said Phyllis Waters, at which time said trustees or their successors shall transfer, set over, assign and convey one-half of my entire estate then in their hands to my said son George R. Collins, if he be living, otherwise to such person or persons as he may have provided by his will, or if there be no such provision by will, to his legal distributees; and one-half to my said daughter Amy T. Venable, if she be living, otherwise to her surviving children and the descendants of deceased children, per stirpes; or if thereby no surviving children or descendants of deceased children, then one-third of said one-half to said Helen M. Beary, if she be living, otherwise to such person or persons as said Helen M. Beary may have provided by will, or if there be no such provision by will, then to the legal distributees of said Helen M. Beary; one-third thereof to said Phyllis Waters, if she be living, otherwise to such person or persons as she may have provided by will, or if there be no such provision by will, then to her legal distributees; and the remaining one-third of said one-half to said George R. Collins, if he be living, otherwise to such person or persons as he may have provided by will, or if there be no such provision by will, then to his legal distributees.

ELEVENTH: As a general provision, to be effective for as long as the trusteeship herein provided for continues, I specifically provide and direct that neither the principal, nor the income from the trust property and estate, shall be liable for any debt or obligation of any beneficiary hereunder, nor be subject to any form of proceeding by any creditor of any beneficiary, whether at law or in equity or otherwise, and whether by levy, attachment, bankruptcy, receivership or any other form of proceeding; and that no beneficiary hereunder shall have any power to sell, assign, transfer, encumber, or in any other manner to anticipate or dispose of his or her interest in the trust estate or income therefrom.

TWELFTH: I have heretofore made advances in various amounts to all my children and kept memorandum accounts of the same in my private ledger. Some have received more than others and it was originally intended that from my estate the differences in the advancements should be equalized, as shown in the ledger; but as my estate has become so depleted, I declare that these accounts or advances heretofore made, and also such as I may hereafter make, be wholly disregarded by my executors and trustees, and that the provisions hereinbefore contained be carried out entirely without reference to any such advances.

IN WITNESS WHEREOF I hereto set my hand and seal, and have likewise affixed my signature to each of the foregoing seven pages hereof, there being no interlineations, this 26th day of July, 1933.

(S) JUSTUS COLLINS

Signed, sealed, acknowledged, published and declared by JUSTUS COLLINS, the above named testator, as and for his last will and testament, in the presence of us, who hereupon at his request, in his presence, and in the presence of each other, subscribe our names hereto as attesting witnesses, this 26th day of July, 1933.

(S) CHARLOTTE K. THOMAS
Witness

(S) W. J. SWAN

Witness
(S) H. H. HUTCHINSON
Witness

STATE OF WEST VIRGINIA:

KANAWHA COUNTY CLERK'S OFFICE IN VACATION: Oct. 27, 1931.

A paper purporting to be the last will and testament of Justus Collins, deceased, late of said County, was this day presented to the Clerk for probate, and Wm. J. Swan and H. H. Hutchinson the subscribing witnesses thereto, personally appeared before the Clerk of the County Court of Kanawha Co., West Virginia, and being first duly sworn, depose and said that the foregoing paper writing was declared by the testator to be his last will and testament, in the presence of Wm. J. Swan and H. H. Hutchinson the witnesses thereto, who in his presence, and in the presence of each other, signed said paper writing as attesting witnesses thereto; and thereupon the said paper writing is admitted to probate and ordered to be recorded and filed as and for the last will and testament of said decedent.

And on motion of George R. Collins & Lamar Epperly, and the proper affidavit having been filed, George R. Collins of Charleston and Lamar Epperly of Bluefield, W. Va., are by the Clerk duly confirmed as Executors of said will, they having been nominated therein as Executors thereof.

And it appearing by the terms of said will, no bond is required of said executors and they being a resident of this state, no bond is required.

And on motion of said Executors, V. H. Crites, Howard W. Ball and H. D. Everett are by the Clerk appointed appraisers to appraise the estate of said decedent after first being duly sworn according to law and make report according to law.

Thereupon, the estate of said decedent is referred to M. L. Gilchrist, a Commissioner of Accounts.

(SEAL) Testes: J. M. Slack, Clerk
Kanawha County Court

A TRUE COPY FROM THE RECORD.

WILL BOOK #19, PAGE #497. Testes: J. M. SLACK, Clerk
Kanawha County Court.

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

I, J. C. Blackwood, President of the County Court of Kanawha County, in the State of West Virginia, do certify that J. M. Slack whom the aforesaid record and certificate were made and given, and who in his own handwriting has thereto subscribed his name and has thereto affixed the seal of the County Court in and for the County of Kanawha, in the State of West Virginia, was at the time of so doing, and now is, Clerk of said County Court in and for said County, to all whose acts in such full faith and credit are due and given, and that the said record and certificate are in due form and made by the proper office.

In Testimony Whereof, I have hereunto set my hand this 16 day of April, in the year of our Lord one thousand nine hundred and thirty-five.

(SEAL) J. C. BLACKWOOD
President of the County Court of Kanawha County,
West Virginia

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

I, J. M. Slack, Clerk of the County Court of Kanawha County, in the State of West Virginia, do hereby certify that Hon. J. C. Blackwood by whom the foregoing certificate was made and given, and who in his own proper hand writing has thereto subscribed his name, was at the time of so doing, and now is sole President of said County Court in and for the County of Kanawha, in the State of West Virginia, duly commissioned and qualified to all whose acts as such full faith and credit are due and given as well as in court of adjudication as elsewhere.

In Testimony Whereof, I have hereunto set my hand and seal of said County Court, this 15th day of April, A. D. 1935.

(SEAL) J. M. SLACK
Clerk of the County Court of Kanawha County,
West Virginia.

STATE OF KENTUCKY

COUNTY OF FLOYD CO.,

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 22nd day of April, 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 4th day of May, 1935.

Attest: A. B. MEADE, Clerk
By *Maggie Bailey* D.C.

WILL OF H. C. HERRARD

I, H. C. HERRARD of West Prestonburg, Sharp County, Kentucky being of more than twenty-one (21) years of age and of sound mind and memory, but being in very bad health and knowing the certainty of death, do make, publish and declare this to be my last will and testament, hereby revoking all wills by me heretofore made.

FIRST: I direct that all my funeral expenses be paid out of my money I may have on hand as soon as practicable after my decease.

SECOND: I will, give and bequeath all my personal property, of every kind and description to my wife, Maggie HERRARD, absolutely to be used or disposed as she may desire.

THIRD: I will, give and devise to my beloved wife, Maggie HERRARD, the house and lot in which we now live in West Prestonburg, Kentucky to be held and held by her as her own for her natural life and at her death to descend to my children or their heirs.