

aforesaid, certify that the foregoing is a true and correct copy of Will of Brown Spears, as appears of record in my office in Will Book C page 477.

Witness my hand this the 15th day of December, 1934.

Bessie R. Arnold, Clerk

By Pearl Runyon, D. C.

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 on the 15th day of December, 1934 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 15th day of December, 1934.

Attest: A. B. Meade, Clerk

By *Maggie Bailey*, D.C.

Thomas, Ky.
Sept. 18, 1933.

W I L L

I, Sarah Grace, being of sound and disposing mind and knowing that death is certain, make this my last Will and Testament.

To Mrs. Maud Foley, I bequeath all my personal property both money and chattels except as hereinafter set out.

To Mrs. Lema Steele, I bequeath one blue coverlet, to Mrs. Maudie McCoy, I bequeath one pink Coverlet and to South Clinton Bevins I bequeath one blue striped Blanket.

I also desire that my just debts be paid out of my personal property first before Mrs. Maud Foley receives the remainder.

To John Grace, my brother, I bequeath all my share in the real estate of Elizabeth Grace, our mother, she being deceased.

To Connell McCoy, I do not leave anything because of his conduct toward me in years gone by.

SARAH GRACE

Signed in our presence and in the presence of each other.
This 25 day of September, 1933.

GRADY BEVINS
JERRY B. STEPHENS

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 on the 25th day of January 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 25th day of February, 1935.

Attest: A. B. MEADE, Clerk

By *Maggie Bailey*, D.C.

WILL OF STEPHEN H. FITZPATRICK

IN THE NAME OF GOD AMEN:

I, STEPHEN H. FITZPATRICK, of West Prestonsburg, Floyd County, Kentucky, being of sound mind and disposing memory, do make and publish this my last will and testament:

First: I hereby will and bequeath unto my beloved wife, NAUCY FITZPATRICK, to be held by her for and during her natural life, the following described real estate, to-wit:

One tract of land, in fee simply, lying and being on Abbott Creek, Floyd County, Ky., known as the Webb tract, containing about 250 acres, more or less, together with the mineral rights under what is known as the Harry Hill tract where the said Hill now lives adjoining the Webb tract aforesaid;

It is intended by this writing to devise to my wife a life estate in said tracts of land, she to have the control thereof during her lifetime, and all the rents and profits arising therefrom.

Second: I hereby will and bequeath that upon the death of my said wife, the fee simple title to said tracts of land above described shall vest in my son Penn Fitzpatrick and my daughter Sallie Fitzpatrick Stout (widow), share and share alike.

Third: I hereby will and bequeath to my son Hiram H. Fitzpatrick the sum of \$5.00 to be paid out of my estate to my daughter Malinda Richardson, wife of Joe Richardson, the sum of \$5.00; to Agnes Howard, wife of Kanawha Howard, the sum of \$5.00; to Joseph Fitzpatrick the sum of \$5.00; to Jonathan Fitzpatrick the sum of \$5.00; to Malissa Allen, wife of John W. Allen, the sum of \$5.00; to Nora Whitaker's heirs the sum of \$5.00 and to Minerva Hamilton, wife of Steve Hamilton, deceased, the sum of \$5.00, each of said devisees to be paid out of my estate at my death, it being understood that the heirs mentioned in this third devise have already been amply provided for out of my estate and out of the estate and by the will of my father, Henry C. Fitzpatrick. These sums shall be paid out of the proceeds or income derived from the tracts of land on Abbott Creek hereby devised to my wife and son and daughter by the first and second paragraphs of this will.

IN TESTIMONY WHEREOF witness my signature this the 21st day of October, 1933.

WITNESSES:
B. F. FRIEND
C. T. STEPHENS

STEPHEN H. FITZPATRICK

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 on the 25th day of February, 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 25th day of March, 1935.

Attest: A. B. MEADE, Clerk

By *Maggie Bailey*, D.C.

IN THE NAME OF GOD, Amen.

I, Sallie Davidson Fitzpatrick, being of sound mind and disposing memory do hereby make and publish this my last will and testament:-

Item 1. I will and bequeath to my son Henry D. Fitzpatrick, the lot on Court street together with the two storehouses there known as the H. H. Fitzpatrick property. It is my will that any rents due me upon said storehouses which have been occupied by my said son for several years shall be satisfied by a cancellation of any account charged against me in his Pure Food Grocery Company business.

Item 2. I also will and bequeath to my said son Henry D. Fitzpatrick the house and lot on Broadway or Layo trail in the City of Prestonsburg, now occupied by W. T. Mellon.

Item 3. I will and bequeath to my daughter, Ocie Fitzpatrick Ligon, my home place where I now reside which together with all the furniture and fixtures included in my said home, and including the lot running from Second Street and across Broadway or Layo trail to the County Courthouse square, together with all the buildings located thereon and apartments thereon.

Item 4. I will and bequeath to my grand-daughter, Sallie Gatewood Ligon Clarke, the house and lot recently occupied by the Relief Organization of Floyd County, and adjoining the lot now occupied by W. T. Mellon.

Item 5 I will and bequeath to my grandson, Henry D. Fitzpatrick, Jr., \$500.00 Five Hundred Dollars cash to be paid out my estate.

Item 6 I will and bequeath to my said grand-daughter Sallie Gatewood Ligon Clarke, a chest of drawers that belonged to my mother and also a side board belonging to my self.

Item 7 The remainder of my property consisting of one-eighth interest in the Powell farm in Pike County, Kentucky some lands on Ivy creek; also my interest in the Daniels Creek farm, the lot and four houses on Court street in Prestonsburg fronting the courthouse square, the four houses and lots on Collage Street and extending back to Highland Avenue; the property on the waters of Abbott Creek Middle creek and Big Sandy River, together with all the apartments and improvements thereon, I will and bequeath to my said son Henry D. Fitzpatrick and my daughter, Ocie Fitzpatrick Ligon, share and share alike.

Item 8 I hereby appoint my said son Henry D. Fitzpatrick as Executor and my said daughter, Ocie Fitzpatrick Ligon, as Executrix and direct them to jointly and mutually execute and perform the duties necessary to carry out and effect my wishes as herein stated, no bond to be required of them, as such.

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 been 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 E. PERMY, 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 E. PERMY, 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