

Last Will and Testament of V C Austin

I, Vernon C. Austin, of Union County and State of North Carolina, being of sound mind and memory and sensible of the uncertainty of life, do make and declare this my Last Will and Testament in manner and form following to wit:-

First, That my Executors, hereinafter named shall provide for my body a decent burial, suitable to the wishes of my relations and friends, and pay all funeral expenses, together with my just debts, howsoever and to whomsoever owing out of the moneys that may first come into their hands as a part or parcel of my estate.

Item 1st I give bequeath and devise to Frances E. Austin, wife of my brother J. E. H. Austin, all of my right, title and interest, whatsoever, in and to the Real Estate, which is set forth and described in two certain deeds of Conveyance, one of which was executed to me by C Austin Trustee or Mortgagee of J. E. H. Austin, on the 12th day of March 1890, and is registered in the office of the Register of Deeds for Union County in Book No 22 page and the other executed to me, on the same day by said C Austin, as Trustee or Mortgagee of J. E. H. Austin and Frances E. Austin which is also registered in said Register of Deeds office, in Book No 22 page And to which said Deeds and the Registry thereof reference is hereby specially made for a more particular description of said Real Estate. To Have and to Hold the same, with all the appurtenances, thereto belonging or in anywise appertaining,

I, Vernon C. Austin of Union County and State of North Carolina, being of sound mind and memory and sensible of the uncertainty of life, do make and declare this my Last Will and Testament in manner and form following to wit:-

First, That my Executors, hereinafter named shall provide for my body a decent burial, suitable to the wishes of my relations and friends, and pay all funeral expenses, together with my just debts, howsoever and to whomsoever owing out of the moneys that may first come into their hands as a part or parcel of my estate.

Item 1st I give bequeath and devise to Frances E. Austin, wife of my brother J. E. H. Austin, all of my right, title and interest, whatsoever, in and to the Real Estate, which is set forth and described in two certain Deeds of Conveyance, one of which was executed to me by C Austin Trustee or Mortgagee of J. E. H. Austin, on the 12th day of March 1890, and is registered in the office of the Register of Deeds for Union County in Book No 22 page and the other executed to me, on the same day by said C Austin, as Trustee or Mortgagee of J. E. H. Austin and Frances E. Austin which is also registered in said Register of Deeds office, in Book No 22 page And to which said Deeds and the Registry thereof, reference is hereby specially made for a more particular description of said Real Estate. To Have and to Hold the same, with all the appurtenances, thereto belonging or in anywise appertaining, unto the said Frances E. Austin and her heirs and assigns forever; Provided, Nevertheless and this devise is upon this condition, that

the said Frances E. Austin, her heirs or assigns, shall pay to my Executors, hereinafter named, the sum of Two Thousand, Four Hundred and Thirty $\%.$ (\$2430⁰⁰) dollars, with interest thereon at eight per cent per annum from the 12th day of March, A.D. 1890. And upon the said Frances E. Austin, or her heirs executors, administrators or assigns paying over said sum with Interest, as above, or satisfactorily securing the payment of the same, all of the said Real Estate shall pass to her and her heirs, in fee simple, absolute, forever.

Item 2^d I give, bequeath and devise, all the residue of my estate, of every description whatsoever and including the said sum of \$2430⁰⁰ Dollars, mentioned in Item 1st above, to be equally divided between my sister Minerva J. Sikes, wife of John C. Sikes, and Frances E. Austin wife of my brother J. E. Austin, share and share alike; To have and to hold the same unto the said Minerva J. Sikes and Frances E. Austin and their heirs and assigns forever.

Item 3^d It is my Will, further, That if the said Minerva J. Sikes, and the said Frances E. Austin, shall not satisfactorily agree between themselves as to the division of the property comprising the estate, willed to them in Item 2^d above; then my Executors, hereinafter named shall sell all of said property, or such part thereof as is necessary, in such manner as shall be most beneficial and advantageous and shall so apportion and divide the same between the said Minerva J. Sikes and Frances E. Austin or their heirs, as they shall share equally in all of my estate; exclusive of the Real Estate mentioned in Item 1st above

said property, or such part thereof as is necessary, in such manner as shall be most beneficial and advantageous and shall so apportion and divide the same between the said Minerva J. Sikes and Frances E. Austin or their heirs, as they shall share equally in all of my estate; exclusive of the Real Estate mentioned in Item 1st above

Item 4th

It is my Will further, that should the said Frances E. Austin, refuse or decline to pay the said sum of Twenty four Hundred and Thirty \$¹⁰⁰. Dollars, with Interest as provided for in Item 1st of this ~~my~~ Will, and thus refuse to accept the provisions of said Item 1st; that the Real Estate therein mentioned and described shall fall back into my estate and shall become a part of the general fund for distribution and shall be equally divided between the said Minerva Jane Sikes and the said Frances E. Austin, as hereinbefore provided for in Items 2^d and third of this Will.

Lastly, I hereby nominate and appoint my trusty friends, John C. Sikes and John E. H. Austin, my Executors, and hereby give and grant unto them all the powers necessary and proper for carrying into effect this my Last Will and Testament, and if either of them should die before the execution of this Will by them; or should either one refuse to qualify as Executor thereof, then all the powers and duties herein imposed on the two, shall devolve upon the survivor or upon him who shall qualify as Executor.

In testimony whereof, I the said V. C. Austin, in the presence of the two persons, whose names are hereunto subscribed as Witnesses and who subscribed their names as witnesses at my request and in my presence have hereunto set my hand and affixed my seal, this the

19th day of March, A D (1890) One Thousand eight hundred and ninety.

V C Austin *Seal*

The foregoing paper writing was this the 19th day of March, A D 1890, signed and acknowledged as his Last Will and Testament by V C Austin whose genuine signature is thereto subscribed in our presence and we the undersigned have at his request and in his presence subscribed our names hereto as witnesses thereof. Eugene McLarty

L R Helms.

Note The interlineation of the words "in our presence," in the space over line 4th above was made before we signed the same

State of North Carolina,

Union County, } ss. In the Superior Court

A paper purporting to be the Last Will and Testament of V. C. Austin, deceased, is exhibited before me, the undersigned, Clerk of Court for said County, by J C Sikes, one of the executors therein mentioned, and the due execution thereof by the said V. C. Austin, is proven before me by the oath and examination of L R Helms and Eugene McLarty the subscribing witnesses thereto; who being duly sworn, doth depose and say, each for himself, that he is a subscribing witness to the paper-writing now shown him, purporting to be the Last Will and Testament of V. C. Austin; that the said V C Austin in his presence subscribed his name at the end of said paper-writing and which bears date of the 19th day of March, 1890; that the said V C Austin did at the time of subscribing his

one of the executors therein mentioned, and the due execution thereof by the said V. C. Austin, is proven before me by the oath and examination of L R Helms and Eugene McLarty the subscribing witnesses thereto; who being duly sworn, doth depose and say, each for himself, that he is a subscribing witness to the paper-writing now shown him, purporting to be the Last Will and Testament of V. C. Austin; that the said V C Austin in his presence subscribed his name at the end of said paper-writing and which bears date of the 19th day of March, 1890; that the said V C Austin did at the time of subscribing his name as aforesaid declare the said paper-writing to be his Last Will and Testament, and that he did thereupon subscribe his name at the end of said Will as an attesting witness thereto and at the request and in the presence of the said testator, that at the time the said testator subscribed his name to the said Last Will as aforesaid, and at the time he subscribed his name as a witness thereto, the said V C Austin was of sound mind and memory, of full age to execute a Will, and was not under any restraint to the knowledge, information or belief of the deponent. It is therefore adjudged that the said paper-writing and every part and clause thereof is the Last Will and Testament of V C Austin, deceased and ordered that the same be recorded and that Letters Testamentary be issued to John C. Sikes (the other executor named in the Will, J E N Austin, having refused to qualify as Executor) the Executor therein named; Thereupon the said John C. Sikes takes the oath required by law and Letters Testamentary are issued to him. This 2^d day of September, 1899.

F H Wolfe, csc