

North Carolina.

Washington County.

I Mrs. Judy Phelps of said County and State, being of sound mind and memory, but considering the uncertainty of life, do make public and declare this my last will and testament in words and figures as follows:

Item First; My Executor hereinafter named shall give my body a decent burial, suitable to the wishes of my friends and relatives, and pay all funeral and burial expenses, and all of my just debts out of the first money that shall come into his hands as such executor.

Item Second; I give devise and bequeath to my nephew Harvey P. Lucas the tract of land on which his father now lives, and known as the "Silas Snell" tract of land, to him his life time, and then to his lawful children, and if he should die leaving no lawful children, then said land shall go to my niece Judy Iowa Davenport. But my will is and I so desire that James M. Lucas and his wife Annie, shall occupy and possess said Silas Snell tract of land during this natural life.

I further devise to said Harvey P. Lucas the tract of land on the East side of the "Holly Neck" road that my husband bought of C. H. Leary, containing thirty acres.

I also give and bequeath to said Harvey P. Lucas Twenty-five Hundred Dollars in money.

Item Third; I give devise and bequeath to my niece Allie Leary wife of John Leary One Dollar in money (1st).

Item Fourth; I give devise and bequeath unto Della Holland Five Hundred Dollars in money.

Item Fifth; I give devise and bequeath to my beloved niece Judy Iowa Davenport the tract of land known as my home place including both tracts on the West side of Holly Neck road and East side of said road including all buildings, Gin House and saw mill boiler and machinery of every kind, dwelling house and all other buildings on said tracts of land. I reserve out of the tract of land on the West side of the Holly Neck Road in front of the public school building the "bumping ground," said ground to be used by my nearest blood kin, and the blood kin of my dearest husband J. B. Phelps for a bumping ground.

To have and to hold to her during her life time and then to her heirs, I also give and bequeath to my said niece two beds and outfits One bureau; one center table; one wash stand One willow Rocking Chair; one Range; one Gold watch; all the furniture in my parlor and fifteen

Hundred Dollars in money, such amount to be used for her education, as her trustee shall see fit during her minority.

I further bequeath to my said niece all the residue of my property of every kind real and personal including all of the household and kitchen furniture of every description, all notes and papers belonging to my estate after paying the above bequests and the expenses of settling my estate.

Item Sixth; I constitute and appoint J. B. Davenport my lawful Executor to this my last will and testament, according to the tenor and meaning thereof, and I hereby revoke and declare utterly void all wills and testaments heretofore made by me.

I further designate and appoint J. B. Davenport, trustee for my niece Judy Iowa Davenport, who is his daughter, during her minority.

In witness whereof I do hereunto set my hand and seal this 14th day of March 1910.

Judy ^{her} Phelps. (Seal)

Signed sealed, published, and declared by Mrs. Judy Phelps, as her last will and testament in our presence, and we at her request and in her presence, and in the presence of each other, do hereunto subscribe our names as witnesses thereto.

Witness -

M. J. Mercer

Witness -

B. F. Halsey

North Carolina.

Washington County.

I Mrs. Judy Phelps, of said County and State, being of sound mind and memory, and desiring to change and modify my last will and testament, dated the 14th day of March, Nineteen hundred and ten, do make, publish and declare the following as a codicil thereto.

Item One. I hereby revoke and declare null and void item second of said will in which I devised to Harvey P. Lucas the "Silas Snell" tract of land. Said item of said will is in all respects revoked, except that part of said item bequeathing to said Harvey P. Lucas Twenty-five hundred dollars, and this item I hereby change and reduce said amount to Fifteen Hundred Dollars, and said Twenty-five hundred is stricken out, and said Fifteen hundred is substituted therefor. Said item of said will so far as it refers to the tract of land on the East side of "Holly Neck" road which my husband bought of C. H. Leary is also revoked and declared null and void.

Item Two. I hereby revoke and declare null and void item fourth of my said will, dated 14th

March, 1910, and Della Holland named in said item shall have nothing whatever from my estate.

In witness whereof, I do hereunto set my hand and seal this 8th day of June, 1911.

Judith Phelps, ^{deceased} and

Signed, sealed, published and declared by Mrs. Judy Phelps as a codicil to her last will & testament, in our presence, and we, at her request and in her presence, and in the presence of each other do hereby subscribe our names as witnesses thereto.

This June 9th, 1911,

M. J. Mercer,
B. F. Halsey,

State of North Carolina,
Washington County, } ss. In the Superior Court,

A paper purporting to be the last will and testament of Judy Phelps, deceased, is exhibited before us, the undersigned, Clerk of the Superior Court for said County, by S. B. Davenport, the executor therein mentioned, and the due execution thereof by the said Judy Phelps by the oath and examination of M. J. Mercer and B. F. Halsey, the subscribing witnesses thereto, who being duly sworn, each depose and say, and each for himself depose and swear, that he is a subscribing witness to the paper-writing now shown him, purporting to be the last Will and Testament of Judy Phelps; that the said Judy Phelps in the presence of this deponent subscribed his name at the end of said paper-writing, which is now shown as aforesaid, and which bears date of the 14th day of March, 1910, with codicil dated 8th June, 1911.

And this deponent further saith, that the said Judy Phelps, the testatrix aforesaid, did at the time of subscribing her name as aforesaid declare the said paper-writing as subscribed by her and exhibited to be her last Will and Testament, and this deponent 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 said testatrix. And this deponent further saith, that at the same time when the said testatrix subscribed his name to the said last Will as aforesaid, and at the time of the deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said Judy Phelps 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 this deponent. And further this deponent say not,
M. J. Mercer,
B. F. Halsey,

Personally sworn and subscribed, this 10 day of February, 1912,
before us,

C. W. Ansborn,
Clerk Superior Court,

North Carolina,
Washington County, } ss. In the Superior Court,

It is therefore considered and adjudged by the Court that the said paper-writing and every part thereof is the last Will and Testament and Codicil of Judy Phelps, deceased. Let the said Will, together with the probate, be recorded and filed,

This 10th day of February, 1912,

C. W. Ansborn,
Clerk Superior Court,

Personally appeared S. B. Davenport, who took and subscribed to the oath prescribed by law for the qualification of executors, and Letters Testamentary were issued to him on the 10th day of February, 1912,

C. W. Ansborn, C.S.C.,