

Fulton County Wills
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I that the said will was executed by me voluntarily on the day
its purports to have been executed
shown to and subscribed before me
in open court March 8th A.D. 1863
John H. Scott
Notary Public

Recorded this Month the 6th 1863

R.C. Mangum ordinary

In the name of God amen

I Elizabeth Fain of the State of Georgia & County of Fulton
being of sound and disposing mind and memory and
being desirous of settling my worldly while I have thought
so to do this day make this my last will & Testament hereby
reoking all wills by me at any time made by me prior
to this date

I command my soul to God who quick and my body
I desire should be buried in a Christian like manner and
My worldly estate I dispose of as follows

Then after my death it is my will that my estate
both real and personal be divided amongst my heirs
Equally (viz John F. Fain William F. Fain John H. Fain Robert
A. B. Fain and Mary Amanda Worley and Annie Penwell
Son & heir of my daughter Anna E. Penwell and if the said Annie Penwell
die without having any natural heir then and in that case his portion of my
estate which is one eighth is to revert back to the surviving heirs of my
estate and to my daughter Nancy F. Penwell and her heirs of
her body I give and bequeath one eighth part of my estate which
will be an equal share with the balance of my estate from the
Control of her husband John H. Penwell and to C. L. also issue

Peacock's daughter & heir of the body of my deceased daughter
Sarah Ann F. Peacock I bequeath one eighth part of my estate
and if the said Leada Jessie should die without issue my
heir of her body then and in that case his part of my estate
is to revert back to the surviving heirs of my estate

And it is my will and desire that
the residue of my will shall remain as a trust over my
The sum of \$1000 I bequeath a sum and substantial
Took in his form also over the sum of my body in
the same form and manner as our deceased Husband
to be paid for out of my estate

That the same trust both sum and substantial be
placed over the sum of my deceased Daughter Anna
E. Penwell's sum, and I place it to be paid for out of
the same trust especially (viz the estate of Annie Penwell
& Leada Jessie Peacock)

4th And it is my will and desire that Joel R. Hain be my Executor to see that my Last will and Testaments be faithfully carried out & executed.

5th And I further affirmt and it is my wish that that Joel R. Hain be & act as trustee for my daughter Nancy & I Bedeau & her Children and Eddie Fawell And that Harry & Party act as trustee for Grand Uncle Peacock

In testeswery whereof I the said Elizabeth Hain have set my hand and seal this 11th of October 1863 in

in presence of

Yel. Thomas

Mr. J. Parly

& H. Melby

Elizabeth Hain ESL

Court of Ordinary for the County of Fulton March adjmned Feare 1863

Joel R. Hain proffers the written will for probate and record and says that the same before him and admitted to record by the Clerk upon proof and that he has recd. letters Testatorialy on the date the 5th March 5th 1863

Joel R. Hain

State of Georgia In open Court appeared John M. Hain of Fulton County, 3rd being duly sworn with oath he is acquainted with the handwriting of the witness H. J. Parly and is satisfied that that is his genuine signature as it appears to the written will and that he is dead and that a. & H. This is beyond the jurisdiction of this Court. And is acquainted with the handwriting of Thomas & Thomas one of the witnesses to the same will who is now dead and he knows his signature to be genuine and he further swears that he will no question in the handwriting of the Testator Elizabeth Hain who is his mother and is satisfied that the signature to the will is bona fide & genuine
Sworn to and subscribed
before me this March 5th
1863 R. E. Hargrave Notary

Recorded Atlanta 16th 1863

R. E. Hargrave
Notary