

BILL OF DOMINICK BURNS

State of Georgia,
Forsyth County.

I, Dominick Burns, of said State and County, being of sound and disposing mind and memory, and in view of the uncertainty of life and the certainty of death, hereby make this as my last Will and Testament, hereby expressly revoking and annulling any and all other will or wills at any time heretofore made by me.

Item I.

I desire that my body be given a decent, but not expensive burial, in keeping with my manner of living; the details to be handled and directed by my nephew, Holst Beall.

Item II.

I desire and direct my Executor named hereinafter to pay all my just debts, if any I owe, as soon after my death as is practicable, using for that purpose any cash on hand at the time of my death.

Item III.

To Misses Lou and Julia Postell I give the house and lot on which I now reside, located on the North side of Central Avenue in the City of Fort Valley, for and during their natural lives, the one living the longest to have the use of this as her residence after the death of her sister, in the same manner that they both have it while both are living. Should this location become too noisy for them, or should they for any reason prefer not to live there, they may have in the same manner the use of the Killett house on Mason Street, or any other house that I own. Whichever house they choose to occupy is to be theirs during their lives, with the expenses of repairs, taxes and insurance paid out of my estate by my Executor. I also give to them or the survivor in like manner the sum of \$25.00 per month in cash, to be paid out of my estate between the 1st and tenth of each month. Misses Lou and Julia Postell own a lot on Anderson Avenue, deeded to them by Dr. W. I. Greene, on which I built a house. If it is agreeable with them, it is my desire that my Executor take charge of this house and keep it rented to the best advantage possible, paying the proceeds to them; my Executor being hereby directed to so handle it with their consent, and as directed to pay out of my estate all necessary repairs to this house, and also all taxes and premiums of insurance, so that the amount received as rent thereon will be paid to the Misses Postell without any deduction.

Item IV.

To my sister, Misses Celeste and Ernestine Cunningham, I give, devise and bequeath the residence and lot on Central Avenue whereon I now reside, and also the vacant lot adjoining, which is on the North-west corner of Central Avenue and Mason Street, and also the six little stores on the West side of Mason Street adjoining said vacant lot; including a half interest in the partition wall dividing the most Northern of these stores from the store building formerly occupied by R. S. Bramwell. The contract with reference to this partition wall was made between A. J. Houser and myself and will be found among the papers in my safe, and is recorded in the Clerk's office of Houston Superior Court at Perry, Georgia. This devise as to each legatee named in this item is equal, they to own the property herein described equally and jointly.

Item V.

To my sister, Mrs. Eliza Shirline should she survive me, or if not to her heirs at law, I give, bequeath and devise my undivided one-half interest in that real estate with improvements located on Preston Street in the City of Fort Valley, known as Burns Line, same being on the South side of Preston Street and bounded on the South by what was known as the Vincher lands, later as the E. M. Pagan lands, still later as the George Thames lands, now owned by Evans & Davidson individually. This property has never been surveyed, but there is a rough sketch with tape line measurements of the same in my safe, which is correct. The other half of this

land is owned by another heir of Mrs. E. Gray, and this will appear in deeds from the heirs of Mrs. E. Gray to other party.

Item VI.

To my three nephews, Henry Cunningham, Burns Cunningham and Stewart Cunningham, I give each the sum of \$75.00 in cash.

Item VII.

To my nephew, Holst Beall I give the remainder of my real estate, consisting of one store and lot on Main Street now occupied by Abe Glass & Son; one brick house on Mason Street now occupied by Killett; eleven acres of land and a brick house on Anderson Avenue now occupied by the Hawkins; two wooden dwellings on Anderson Avenue now occupied by Pender and Lester English; two lots on which are located two old houses, on the Marshallville Road, now owned by neecest; several vacant lots, as will appear from deeds in my safe and the tax digest of Fort Valley.

Item VIII.

I desire and request that one of my nieces, Celeste Cunningham or Ernestine Cunningham, shall come to Fort Valley between May 1st and May 10th of each year, to see that Misses Lou and Julia Postell are provided with proper clothes, and to purchase for them such clothing as they may need, using for that purpose such of the funds given to them under the provisions of this my will, and I likewise request that one of my said nieces make a similar trip between the 1st and 10th of October of each year with a view of having Misses Postell suitably provided with winter clothing.

Item IX.

All the property of which I may die seized and possessed, and not heretofore in this will disposed of, I give, bequeath to my said nephew, Holst Beall, whether real, personal or mixed.

Item X.

I hereby nominate, appoint and constitute the Continental Trust Company of Macon, Georgia, Executor of this my Will, and this Executor to receive as compensation the amount allowed by law to Executors. I direct that the \$25.00 each bequeathed in the Sixth item of this my will to my three nephews, Henry Cunningham, Burns Cunningham and Stewart Cunningham, and the \$25.00 bequeathed to my niece, Theresa Beall in the Twelfth item of this my will, be paid promptly after my death, and that the provision made for Misses Lou and Julia Postell go into effect at once after my death; but I desire the remainder of my estate held together and managed by my said Executor until two years after the death of Misses Lou and Julia Postell. Until the death, I desire and direct that my said Executor control and manage my property so as to bring the best return consistent with conservative management, paying taxes and insurance and such such necessary repairs as may be required to maintain the buildings in good condition.

Item XI.

I direct my Executor to build upon the vacant lot on the corner of Central Avenue and Main Street such store or other building as in their judgment will be most profitable to my estate using for that purpose any cash that may be on hand at the time of my death, if sufficient; if not, this improvement to be made as soon as the cash is enough for that purpose; which building of course will belong to my nieces, Celeste and Ernestine Cunningham when my estate is finally distributed. The building above provided for shall not extend back a greater depth from Mason Street, than the depth of the small store buildings adjoining said vacant lot.

Item XII.

To my niece, Theresa Beall, I give the sum of \$25.00, to be paid in cash by my Executor.

Item XIII.

The property devised in the fourth, fifth, seventh and ninth items of this Will, is to be held by the legatees therein named, in fee simple, without limitation, restriction or condition, other than that they are not to have the same until two years after the death of my said nephew, Holst Beall.

and Julia Postell, as provided in Item ten of this my will,
this the 3rd day of December, 1926.

Dominick Burns.

Signed, sealed, declared and published by Dominick Burns as his last Will and Testament, in
our presence, he first signing in the presence of us, and we, at his special instance and re-
quest, then signing as witnesses in his presence and in the presence of each other,
this December 3rd, 1926.

A. J. Evans

W. L. Houser

W. L. Houser.

Recorded December 17, 1926

The Honorable Court of Ordinary opens this the 3rd day of January 1927 for its regular monthly
session.

State of Georgia, Peach County.

To the Court of Ordinary of said County:

The petition of Mrs. Leila B. Hartley respectfully shown:

1. That Bennett A. Hartley, late a resident of said state and county, died testate on the
23 day of April, 1926, after having made his last will and testament.
2. That at the May term, 1926 of the Court of Ordinary said will was admitted to record as
having been duly proved in common form.
3. That your petitioner desires said will proven in solemn form of law, and presents herewith
said will.
4. That the heirs at law of said testator are your petitioner and Charlie J. Hartley. Your
petitioner is a resident of Peach County, Georgia, and said Charlie J. Hartley is a resident
of Peach County, Georgia, and said Charlie J. Hartley is a resident of Crawford County, Georgia.

Therefore, petitioner prays that the said heirs at law of said testator be required to be
and appear at the Court of Ordinary to be held on the first Monday in January, 1927, next, to
show cause, if any they have, why said will should not be proved in solemn form and admitted
to record as the last will and testament of said Bennett A. Hartley, deceased.

Mrs. Leila B. Hartley
Petitioner.

The petition of Mrs. Leila B. Hartley, asking for the probate of the will of Bennett A. Hartley
in solemn form, having been presented and considered, it is ordered that the heirs at law named
herein, to-wit: Mrs. Leila B. Hartley, of Fort Valley, Peach County, Georgia, and Charlie J.
Hartley, of Roberts, Crawford County, Georgia, personally be served with a copy of this petition
at least ten days before the next term of this court, and there show cause, if any they have,
why the prayers of said petition should not be granted and said will proved in solemn form.
Let a second original of this petition issue and be served upon the said Charlie J. Hartley by
the Sheriff of Crawford County.

M. J. Morley

Ordinary, Peach County, Georgia.

This December 8th, 1926.

Due and legal service is hereby acknowledged of the above petition and order. Copy received,
and all other and further service is hereby waived.

This the 8th day of December, 1926.

Mrs. Leila B. Hartley.

Georgia, Peach County

I have this day served the Defendand Charlie J. Hartley personally with a true and correct
copy of the within petition by handing same through T. R. Giles Sheriff of Crawford County.