

State of North Carolina
Ashe County

I, Clemon W. Osborn of Ashe County and State of aforesaid being of sound mind, but considering the uncertainty of my earthly existence, do make and declare this my last will and Testament.

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 expenses together with all my just debts out of the first moneys which may come into his hands belonging to my estate.

Second, I give and devise to my youngest daughter Maggie V. Osborn, and her heirs, in fee simple, that part of my home farm tract of land in North Fork Township, Ashe County, State of North Carolina, on which the dwelling house, out house building and Barns are situated, lying on the North and East side of the Wagon Road, running across the hill towards L. C. Maxwell, as the said wagon road now runs bounded and described as follows to wit Beginning on a Rock near a Lycopodium Stump near the corner of the Barn Lot at the wagon Road where first wagon Road crosses the River, thence running a North East Course down and with the meanders of the said North Fork of New River to a Hickory Tree Filmore Priers Corner, on the Bank of said River thence running an East Course with said Filmore Priers line to said Filmore Priers and Floyd Popes Corner a Birch tree on a ridge, thence an East Course up the ridge with Floyd Popes line near the top of the ridge to said L. and C. Maxwell Corner a maple tree, thence running a South Course a line with and near the main top of the ridge with said L. and C. Maxwell's line of the land which I deeded to them to the State in the center of said Wagon road, near where the fence joins or corners at said wagon road, thence running back a North West Course with said Wagon Road, as it now runs to the said Beginning Corner said Rock at the said River containing by estimation 50 acres more or less.

Third, I give and devise to Each of my other two daughters

living to wit Ellen Shell wife of S. L. Shell and Minnie Ader McCoy, wife of Thomas McCoy together with my Grand daughter Maggie Cora Murren each Jointly and equally. (who was a daughter of my daughter Cora Murren) and their heirs in fee simple equally all of the remainder of my home farm tract of land, lying in said Ashe Co. North Fork Township, North Carolina on the South and West side of the part just willed to Maggie V. Osborn, extended across the said North Fork of New River and Embracing both sides of said River, a long where the meadow bottom comes in near Leander Osborns Beginning on a Birch tree on Leander Osborns Corner, on the Bank of the said River at the mouth of a little branch where the wagon road now crosses the said River thence down with the meanders of the said River to the Bend of said River thence running a Cross the the said River to a tree Walter R. Osborns Corner on the Bank of said River thence running up the main ridge a South Course with said Walter R. Osborns line to a stake at or near Walter R. Osborns corner on top of the ridge running up from said W. R. Osborns house, thence running an East Course with the main top of the ridge and said W. R. Osborns line to a stake said W. R. Osborns corner, thence running a South Course with said W. R. Osborns line to a stake in Lee Osborns Corner, thence running a South East Course with said Lee Osborns line to a Chestnut tree Corner on top of the ridge, thence running on with said Lee Osborns line to said Lee Osborns Corner in Thos. L. Jenkins line, thence running on with said Thos. Jenkins line near East to the top of a Point to a stake, thence running South Course with said Thos. Jenkins line to a stake at or near said S. J. Thomas Corner, thence running near East with said S. J. Thomas (7 my line) to L. and C. Maxwell's line to a stake on top of the main ridge thence running with said L. and C. Maxwell

line near an West Course to a Stake in said
L. and C. Maxwell's line near their Corner, thence
running a North East Course a long with
the ridge with said L. and C. Maxwell's line
and fence to the Wagon Road to a Stake at the
Corner in the middle of the said Wagon Road,
thence to the tract just willed to Maggie V. Osborn
thence running a westerly Course with said
Wagon Road and said Maggie's line to the
River where the said wagon road crosses said
River, said Maggie's Corner thence running
down and with the meanders of said River
and said Maggie's Osborn's line to Filmore
Prie's my Corner a Locust Stake on the North
Bank of the said River thence running near
West with said Filmore Prie's my line up the
Hill to the top of the ridge a Dogwood Corner of
said F. Prie's (my gra) thence running a
North Course with said line & fence on the
main top of the ridge & divide between Rock
Creek and said River, thence running near
West with the main top of said ridge to the
line of the Snip. Osborn tract of land on
a Stake, thence running near South with
said line to a Stake Lee Osborn's Corner, thence
running with said Lee Osborn's my line
on East Course to a Stake in said line
thence running near South with said Lee
Osborn's my line to the Birch tree on
the Bank of the River, the Beginning Corners
Containing by estimation 135 Acres more or
less.

Fourth

I give and bequeath to each of my Sons, Orrin
W. Osborn Walter R. Osborn, Alexander Osborn
Willitt S. Osborn one Dollar each to be paid by
my Executor to make them up equal with each of
my said daughters and Grand daughter

Fifth

I give and bequeath to my said daughter Maggie
V. Osborn one Mare dark brown gray 2 years old
called. also (2) two Red Steads & covering complete
1 sewing Machine (1) one Cow, (3) Three Sheep,
one (1) Sow, and all the rest of the home hold
and kitchen Furniture to be equally divided

between her & Maggie Cora Munser my Grand
daughter and my other two daughters now mar-
ried

Sixth

I give and bequeath unto my Grand daughter
Maggie Cora Munser (1) one Mare called Fannie
Collier dark Bay or Brown 1 Cow, 1 Red & staid
complete (3) three Sheep (cows) 1 sow, 1 organ,
Stylish "Pack"

Seventh

My will and desire is that all the rest and
residue of my estate (if any) after taking
out the devises and legacies above men-
tioned be sold and the debts and expenses
be paid out of said proceeds of said sale
and if not a sufficiency to pay off said
debts & expenses arise from said sale
then that the same be paid by and out
of the property willed to Ellen, Asch & Maggie
Munser's interest in said land willed to them
Equally

Eighth.

I hereby constitute and appoint my Son Lee
Osborn and Benjamin Thomas Mc Coy my
lawful executors to all intents and pur-
poses to execute this my last will and
Testament according to the true intent
and meaning of the same and every part
and clause thereof hereby revoking and
declaring utterly void all other wills and
Testaments by me heretofore made In
witness whereof I the said Clemens W.
Osborn do hereunto set my hand and seal
this 30th day of November A.D. 1900

C W Osborn (seal)

Signed sealed published and declared by the
said Clemens W. Osborn to be his last Will
and Testament in the presence of us
who at his request and in his presence,
do hereby subscribe our names as witnesses
thereto. This the 30th day of Nov. A.D. 1900.

J. B. Raming
J. C. Carden

North Carolina
Ashe County }

I Clemens W. Osborn of the said County and State, make this Codicill to my last Will and Testament Published by me and dated the 30th day of Nov. A.D. 1900, which I ratify and confirm, except as the same shall be changed hereby whereas by my will above mentioned I gave and devised to my daughter Maggie V. Osborn a part of my House tract of land embracing the dwelling House &c. - containing 50 acres more or less, as appears by the Second Item of said will. Now therefore I hereby amend said item 2^d in my said will by adding thereto that "In case of the death of my said daughter Maggie V. Osborn during her single life, or after marriage, leaving no heirs of her own, then and in that case either case I will and bequeath that the said home part of the said Farm as is willed to her aforesaid shall descend to each of my said Sons equally in fee simple absolute Intestimony whereof I have hereunto set my hand & seal this Oct 11th 1901.

C. W. Osborn (seal)
Signed sealed and Published by me the said Clemens W. Osborn as a Codicill to his last will and Testament in our presents and we in his presents, and in the presents of each other have at his request hereto subscribed our names as witnesses, thereto

J. H. Hardin (seal)
J. V. Rominger (seal)

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

A paper purporting to be the last Will and Testament of C. W. Osborn deceased is exhibited before me, the undersigned, Clerk of the Superior Court for said County by the undersigned witnesses therein mentioned, and the due execution thereof by the said C. W. Osborn is duly proven by the oath and examination of J. H. Hardin & J. V. Rominger the subscribing witnesses thereto, who being duly sworn, both before and say, and each for himself depose and say that he is a subscribing witness to the paper writing now shown him purporting to be the last Will and Testament of C. W. Osborn & Codicill that the said C. W. Osborn in the presence of these deponents subscribed his name at the end of said paper writing, which is now shown as aforesaid, and which bears date of the 30th day of Nov. 1900 & Codicill dated Oct. 11 - 1901. And the deponents further say, That the said C. W. Osborn the testator aforesaid did at the time of subscribing his name as aforesaid declare the said paper writing as subscribed by him, and exhibited to be his last Will and Testament and Codicill 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 testator. And this deponent further says, that at the same time when the said testator subscribed his name to the said last Will as aforesaid, and at the time of the deponents subscribing his name as an attesting witness thereto, as aforesaid, the said C. W. Osborn 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 these deponents say not.

J. H. Hardin
J. V. Rominger

Severally sworn and subscribed, This 28th
day of Jan'y. 1902. before me
A. S. Eller. C. S. C.

North Carolina } In the Superior Court.
Ashe County }

It is therefore considered and adjudged
by the Court that the said over-writing and
every part thereof is the last Will and
Testament of C. W. Osborn, deceased.
Let the said Will together with the probate,
be recorded and filed.

This 28th day of Jan'y. 1902.
A. S. Eller. C. S. C.

North Carolina
Ashe County }

I, John G. Neal, of the aforesaid County and
State, being of sound mind, but considering the uncertain-
ty of my earthly existence do make and declare this my
last will and testament:

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 expenses, together with all my just debts
out of the first moneys which may come into her hands
belonging to my estate.

Second, I desire, that if it be necessary to sell any of my
lands to pay my debts, that my Executor shall sell at
private or public sale such of my lands as so much
thereof as she may deem proper and necessary to satisfy
my indebtedness and that she shall execute deed or
deeds to purchase upon the payment of the purchase
money in full, and that no lands shall be sold ex-
cept what are actually necessary to pay my debts.

Third, I give and devise to my beloved wife, Kate, the
tract of land on which I now live and reside,
containing two hundred and sixty acres more or less
and known as the J. B. Neal home tract, if being
the lands will is given and devised to me by the late
probate of the will of the said J. B. Neal, and I desire that
my Executor, John G. Neal, shall execute the same in the
last will and testament of the said Deceased J. Neal, and
that she fully comply with the conditions and stipu-
lations contained in said will, provide further that
if the lands owned by my beloved wife Kate which
are situate and located in the State of Tennessee
are sold and the proceeds are used to the discharge of
my debts, that if the above conditions are complied with
fully, the said lands or tract of land shall be the
property of my beloved wife Kate in fee, but if the
said conditions are not fully, then the said tract above
named shall be hers so long as she shall live and at
her death shall be equally divided among my children
and their heirs.

Fourth, I give and devise to my beloved wife Kate all of
my personal property, consisting in one saw mill and
engine, one planing machine and fixtures, farming tools
and machines, grain and stock, provisions, household
and kitchen furniture, notes, accounts and money.