

THE STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN PROBATE COURT

BY THE HONORABLE H. E. BLANTON JUDGE OR PROBATE
for the County of Horry in the State aforesaid

To all to Whom These Presents Shall Come-GREETING:

WHEREAS, at the Aug. Term 1949 of the Court of Probate for Horry County, on the 20th day of June in the year of our Lord one thousand nine hundred and forty-nine the petition of Gertrude M. Rourk, Executrix on the estate of William Asbury Rourk deceased, late of Horry County in this State, was presented, setting forth that the duties of the said Executrix has been fully discharged and praying to be released from the same.

AND WHEREAS, the said Gertrude M. Rourk has complied with paragraph 213, Volume 1, of the Code of Procedure 1932, and published in conformity to law for at least one month, a Citation calling upon all persons concerned to show cause on or before the 22nd day of August, 1949, why said application should not be granted. And whereas, said Citation has been published in The Myrtle Beach News, a newspaper of said county, for the space of one month, and no cause being shown against said application, and it appearing from an examination of the situation of the affairs of the said estate that the petitioner has faithfully and honestly discharged the trust and confidence reposed in him.

NOW, KNOW ALL MEN BY THESE PRESENTS, That Gertrude M. Rourk is from henceforth and forever discharged and dismissed from all liability as Executrix as aforesaid

WITNESS, Honorable H. E. Blanton, Judge of Probate
Horry County, the 31st day of August in the year of our Lord one thousand nine hundred and forty-nine

/s/ H. E. Blanton (L.S.)
Judge of Probate

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

C E R T I F I C A T E

I, H. E. Blanton, Judge of the Probate Court for Horry County, State of South Carolina, do hereby certify that the foregoing annexed Seven (7) sheets constitute a true and correct copy of the Last Will and Testament of W. A. Rourk, Jr., and the probate proceedings connected therewith, the same being taken from and compared with the originals on file in this office, as Estate No. 11, Bundle No. 139.

AND I FURTHER CERTIFY that this Court is a court of independent jurisdiction and is not under the jurisdiction of the Court of Common Pleas, and I have jurisdiction in probate matters and sole custody of the records of probate proceedings.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, and the seal of this Court, this 28th day of February, 1951.

H. E. Blanton (SEAL)
Judge of Probate, Probate Court,
Horry County, South Carolina.

(SEAL)

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

IN THE SUPERIOR COURT

IN THE MATTER OF THE WILL OF
WILLIAM ASBURY ROURK, DECEASED

O R D E R

It appearing to the satisfaction of the Court from the duly exemplified record herein-after mentioned, that the last will and testament of William Asbury Rourk, deceased, a citizen of Horry County, South Carolina, has been duly proved and allowed in the proper court of probate of said county and state according to the laws of said state, and it further appearing that the said William Asbury Rourk left property in the County of Brunswick, State of North Carolina.

And it further appearing from the exemplification of said will and its probate now exhibited before me, duly certified and authenticated, that said will was executed and the same has been probated according to the laws of the State of North Carolina, it is therefore,

ORDERED AND ADJUDGED that the said will, with the probate thereof, and the duly certified exemplification of the same be allowed, and the same together with this certificate is ordered recorded and filed in this court.

This the 5 day of March, 1951.

B. J. Helden
Asst. Clerk Superior Court

No. 649

HARNETT COUNTY

IN THE MATTER OF THE WILL OF
ALVIS G. STEWART

) Before IN THE SUPERIOR COURT
ROBERT B. MORGAN
Clerk Superior Court

Althea Byrd Stewart, being duly sworn, doth say:

That Alvis G. Stewart, late of said county, is dead, having first made and published his Last Will and Testament; and that Althea Byrd Stewart is the executor named therein.

Further, that the property of the said Alvis G. Stewart consisting of real and personal is worth about \$5000, so far as can be ascertained at the date of this application, and that Althea Byrd Stewart, A. G. Stewart, Jr., and Eugene Stewart are the parties entitled under said will to the said property.

Sworn to and subscribed before me, this 31
day of January, 1951.

Althea Byrd Stewart

Robert B. Morgan
Clerk Superior Court

WILL OF ALVIS G. STEWART

I, Alvis G. Stewart, usually known as A. G. Stewart, of Harnett County, North Carolina, do hereby revoke all wills and codicils heretofore made by me, and do hereby publish and declare this my last will and testament in manner and form as follows:

1. My wife, Althea Byrd Stewart, and I now have a usual principal place of abode in the town of Bunnlevel, North Carolina. This property is owned by us as tenants by the entirety, and will therefore become her sole property if she survives me. If at the time of my death I own any interest in the said principal place of abode and if my said wife survives me, then I devise such interest to my said wife. If my said wife survives me, I direct my executor to pay off and discharge any mortgage or other encumbrance or lien upon all the interest or interests in the said principal place of abode, and to pay any interest which is due or may become due thereon.

If it should become necessary for my executor to pay off any encumbrance upon the said principal place of abode, under the next preceding paragraph, I direct that he shall apply such monies as I may have in any bank at my death to such encumbrances.

If after my bank account or accounts have been exhausted and there still remains any encumbrances upon the said principal place of abode, I direct that my executor shall have power to sell and shall sell as many of the lots which I may own in Holden's Beach, Brunswick County, North Carolina, as may be required to pay off the said incumbrances.

No payments so made under the above paragraphs shall be charged to my said wife, as I desire that she take said property free and clear of all encumbrances.

2. I will and devise all of my lots located in Holden's Beach, Brunswick County, North Carolina, which is not necessary to carry out the preceding item of this will, to my wife, Althea and two sons, A. G. Stewart, Jr., and Eugene Stewart in equal shares.

3. My son, Eugene Stewart, and I are now operating a gravel pit in Lillington township, located just off highway 15-A about three and one-half miles south of the town of Lillington, North Carolina. My son Eugene is the owner of one-fourth interest in said business and I own the remaining three-fourths interest. I hereby will, devise, and bequeath unto my wife, Althea, and two sons A. G. Stewart, Jr., and Eugene Stewart, in equal shares, all of my right, title, and interest in and to said business, together with all right, title, and interest in and to all property, both real and personal, belonging to and used in said business.

Alvis G. Stewart

4. I will, and bequeath any automobile I may own at the time of my death to my son Eugene Stewart absolutely and in fee simple.

5. I nominate as executor of this will my wife Althea Byrd Stewart. I request that no sureties on her bond as executor be required unless someone of my issue over the age of 21 shall, either at my death or any later time, request that she give bond with sureties.

6. I hereby authorize and direct my executor hereinafter named to pay all of my just debts and funeral expenses.

7. I will, devise and bequeath all of my property of every sort, kind, and description, both real and personal, which is left after carrying out the provisions herebefore listed, to such persons and in such proportions as would have received the same under the cannons of descent and statute of distribution of the State of North Carolina if I had died intestate.

IN WITNESS WHEREOF, I, the said Alvis G. Stewart, herewith set my hand to this my last will, typewritten on two (2) sheets of paper (including the attestation clause and signatures of witnesses) upon the margin of each one of which I have also written my name, this eleventh day of October, nineteen hundred and fifty.

Alvis G. Stewart

On the eleventh day of October, nineteen hundred and fifty, Alvis G. Stewart declared to us, the undersigned, that the foregoing instrument, was his last will, and he requested us to act as witnesses to the same and to his signature thereon. He and thereupon signed said will in our presence, we being present at the same time. And we now, at his request, in his presence, and in the presence of each other do hereunto subscribe our names as witnesses. And we and each of us declare that we believe this testator to be of sound mind and memory.

Hubert D. Byrd
Lucille M. Byrd
Lillie Byrd

STATE OF NORTH CAROLINA
HARNETT COUNTY

SS. IN THE SUPERIOR COURT

A paper purporting to be the Last Will and Testament of Alvis G. Stewart, deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said county, by Althea Byrd Stewart, the executor therein mentioned, and the due execution thereof by the said Alvis G. Stewart by the oath and examination of Lucille M. Byrd and Lillie Byrd, the subscribing witnesses thereto; who being duly sworn, do depose and say, and each for himself depose and saith, that he is a subscribing witness to the paperwriting now shown him, purporting to be the Last Will and Testament of Alvis G. Stewart; that the said Alvis G. Stewart, 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 11th day of October, 1950.

AND THE DEPONENT FURTHER SAITH, That the said Alvis G. Stewart the testator aforesaid did, at the time of subscribing his name as aforesaid, declare the said paper-writing so subscribed by him, and exhibited, to be his 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 testator. And this deponent further saith, that at the said time when the said testator subscribed his name to the said last Will as aforesaid, and at the time of the deponent subscribing his name as an attesting witness thereto, as aforesaid, the said Alvis G. Stewart 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.

Severally sworn and subscribed, this
31 day of January, 1951, before me.

Robert B. Morgan
Clerk Superior Court

Lucille M. Byrd
Lillie Byrd

STATE OF NORTH CAROLINA
HARNETT 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 of Alvis G. Stewart, deceased, and that Althea Byrd Stewart is a suitable person for executrix. Let the said Will, together with the probate, be recorded and filed.

This 31 day of January, 1951.

Robert B. Morgan
Clerk Superior Court

STATE OF NORTH CAROLINA
HARNETT COUNTY

IN THE SUPERIOR COURT

IN THE MATTER OF THE LAST WILL AND TESTAMENT OF Alvis G. Stewart.

It appearing to the Court by the oath and examination of Lucille M. Byrd and Lillie Byrd, the subscribing witnesses thereto, that the paper-writing propounded by the executrix therein named, is the Last Will and Testament of Alvis G. Stewart and that the same was duly executed by said Alvis G. Stewart in the presence of said witnesses and that at the time of signing the same the said Alvis G. Stewart was of sound mind. It is thereupon adjudged that the said paper-writing be admitted to probate as the Last Will and Testament of the said Alvis G. Stewart, and the executrix therein named qualify as such.

This the 31 day of January, 1951.

Robert B. Morgan,
Clerk Superior Court

STATE OF NORTH CAROLINA
HARNETT COUNTY

SS. IN THE SUPERIOR COURT

I, Althea Byrd Stewart, do swear (or affirm) that I believe this writing to be and contain the Last Will and Testament of Alvis G. Stewart, deceased; and that I will well and truly execute the same by first paying his debts and then his legacies, as far as the said estate shall extend, or the law will charge me, and that I will well and faithfully execute the office of an executor agreeable to the trust and confidence reposed in me, and according to law; so help me, God.

Sworn and subscribed before me,
this 31 day of January, 1951.

Robert B. Morgan
Clerk Superior Court

Althea Byrd Stewart

STATE OF NORTH CAROLINA
HARNETT COUNTY

IN THE SUPERIOR COURT
Before Robert B. Morgan, Clerk

IN RE ESTATE OF
Alvis G. Stewart, Deceased

ORDER FOR PROBATE OF WILL

A paper-writing purporting to be the Last Will and Testament of Alvis G. Stewart, deceased, is exhibited in open court for probate by Althea Byrd Stewart, the executrix therein named; and the due execution thereof by the said Alvis G. Stewart, deceased, is duly proven by the oath and examination of Lucille M. Byrd and Lillie Byrd, subscribing witnesses thereto; and it is further shown to the satisfaction of the Court by said witnesses that the said Alvis G. Stewart, was, at the time of making said Will, of sound mind and memory, of full age to execute a will, and under no restraint to their knowledge, information or belief.

IT IS THEREFORE CONSIDERED, ADJUDGED AND DECREED that said proof is sufficient and according to law, and that said paper-writing is and contains the Last Will and Testament of Alvis G. Stewart, deceased. And on motion it is order that said Will be admitted to probate and recorded in the Book of Wills of Harnett County, and as such filed as provided by law in the office of the Clerk of the Superior Court of said County.

It is further ordered that said Althea Byrd Stewart be allowed to qualify as executrix as provided by law, and enter upon the discharge of the duties imposed by said trust.

Dated this the 31 day of January, 1951.

Robert B. Morgan, Clerk Superior Court

Althea Byrd Stewart, being duly qualified, let Letters Testamentary issue accordingly.

This 31 day of January, 1951.

Robert B. Morgan, C.S.C.

STATE OF NORTH CAROLINA
HARNETT COUNTY

BEFORE THE CLERK OF THE SUPERIOR COURT

To all to whom these presents shall come---GREETING:

IT BEING SATISFACTORILY PROVEN TO THE UNDERSIGNED, Clerk of the Superior Court for Harnett County, that Alvis G. Stewart, late of said county, is dead, having made and published his Last Will and Testament, and it appearing that Althea Byrd Stewart is entitled to be executrix of the estate of said deceased, and having qualified as executrix according to law:

Now, these Are Therefore to Empower the said executrix to enter in and upon all and singular, the goods and chattels, rights and credits of the said deceased, and the same to take into possession wheresoever to be found, and all the just debts of the said deceased to pay and satisfy, and the residue of said estate to distribute according to law.

Witness my hand and the seal of said Court, this 31 day of January, 1951.

Robert B. Morgan, Clerk Superior Court

NORTH CAROLINA
HARNETT COUNTY

I, ROBERT B. MORGAN, Clerk of the Superior Court, of Harnett County, North Carolina, do hereby certify that I have taken and examined the foregoing six pages thereto of said will of Alvis G. Stewart and have compared them with the original record of said will and