

#664

STATE OF NORTH CAROLINA
COUNTY OF COLUMBUS

I, KATE R. MARKS, of the aforesaid County and State, being of sound mind but considering the uncertainty of my earthly existence, do make and declare this my last Will and Testament:

First: My executors hereinafter named, shall see that my body is given a decent burial, suitable to the wishes of my friends and relatives, and if necessary, pay all funeral expenses, together with all my just debts, if any, out of the first money which may come into their hands belonging to my estate.

Second: I give and devise to my beloved sisters, namely, Sallie Creech Vina Robbins, Margaret Biggs, Vera Peterson, Eula Lennon, in equal porportion, share and share alike, the following lands in fee simple forever:

10 acres at Navassa N. C. known as the T. V. Moore Tract, located in North West Township, Brunswick Co., N. C. My home at Delco, Columbus County, 10 acre farm at Delco, N. C.

Three: I give, bequeth to my beloved sisters herein named all my personal property including stocks, money in bank diamond rings, car, house hold and kitchen furniture, and all my cloths and all my personal property of any and all kinds which may be mine at my death, the same to be equally divided among my 5 (five) sisters herein named by actual division, My diamond rings and necklace to go to Sisters, then to nieces, to be kept in the Rowell family and descendants.

Fourth: It is my will and desire that all property herein named and any other property of which I might die seized and possessed shall be equally divided among my five sisters herein named.

Fifth: I hereby constitute and appoint my beloved sisters, Margaret Biggs, and Vera Peterson, my lawful Executors to all intents and purposes 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 and declaring utterly void all other wills and testaments by me heretofore made. I appoint my beloved Sisters to see that my Cemetery Lot is kept clean, by the ones who inherits my diamonds, as they are handed down to the nieces and my wish to keep my diamonds in the Rowell family and descendants.

In witness whereof, I the said Kate R. Marks, do hereunto set my hand and seal, this the 17th day of October A. D. 1945.

Kate R. Marks (SEAL)

Signed, sealed, published, and declare by the said Kate R. Marks to be her last Will and Testament in the presence of who, at her request and in her presence (and in the presence of each other) do subscribe our names as witnesses thereto.

J. H. Gainey
H. O. Peterson, Sr.

NORTH CAROLINA
COLUMBUS COUNTY

IN THE SUPERIOR COURT
BEFORE THE CLERK

IN THE MATTER OF THE WILL OF KATE R. MARKS, DECEASED.

The paper-writing hereto attached and purporting to be the last will and testament of Kate R. Marks deceased, is exhibited before the undersigned Clerk of the Superior Court of Columbus County, North Carolina, by Margaret Biggs and Vera Peterson, the executors therein named, and thereupon the following proof thereof is taken by the oath and examination of J. H. Gainey and H. O. Peterson Sr., the subscribing witnesses thereto, as follows:

NORTH CAROLINA, COLUMBUS COUNTY.

J. H. Gainey and H. O. Peterson Sr., being duly sworn, depose and say, and each for himself deposes and says, that they are the subscribing witnesses to the said paper-writing now shown them, purporting to be the last will and testament of Kate R. Marks, and that they saw her execute (or heard her acknowledge the execution of) this writing as her last will and testament, and that affiant attested it in the presence and at the request of said Kate R. Marks deceased; and that at the time of its execution said Kate R. Marks was, in affiant's opinion, of sound mind and disposing memory.

J. H. Gainey
H. O. Peterson

Severally subscribed and sworn to before me, this 21 day of March, 1952.

Lee J. Greer, C. S. C. Columbus County, do hereby certify that the said paper-writing and every part thereof is the last will and testament of Kate R. Marks, deceased, and it is ordered that the same, with the foregoing examination and this certificate, be recorded and filed. This 21 day of March, 1952.

Lee J. Greer
Clerk Superior Court of Columbus County

STATE OF NORTH CAROLINA
COLUMBUS COUNTY

OFFICE OF THE CLERK OF THE SUPERIOR COURT

I, Lee J. Greer, Clerk of the Superior Court of Columbus County, State of North Carolina, which Court is a Court of Record, having an official seal, which is hereto attached, do hereby certify the foregoing and attached (2 sheets) to be a true copy of the last Will and Testament of Kate R. Marks, and the Proof of Will Upon the Examination of the Subscribing Witnesses and Order of Probate as the same is taken from and compared with the original now on file in this office.

In witness whereof, I have hereunto set my hand and affixed the seal of the Superior Court of Columbus County at my office in Whiteville, North Carolina, this the 21 day of March, in the year of our Lord, 1952.

(SEAL)

Lee J. Greer
Clerk Superior Court

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

IN THE SUPERIOR COURT
BEFORE THE CLERK

THE MATTER OF THE WILL OF
G. T. LEWIS AND M. E. LEWIS
(DECEASED)

The paper-writing hereto attached and purporting to be the last will and testament of G. T. Lewis and M. E. Lewis deceased, is exhibited before the undersigned Clerk of the Superior Court of Brunswick County, North Carolina, by D. S. Lewis, the executor therein named, and thereupon the following proof thereof is taken by the oath and examination of C. R. Sellers and Layton Swain, the subscribing witnesses thereto, as follows:

NORTH CAROLINA,
COUNTY OF BRUNSWICK

C. R. SELLERS AND LAYTON SWAIN, being duly sworn, depose and say, and each for himself deposes and says, that he is a subscribing witness to the said paper-writing now shown him, purporting to be the last will and testament of G. T. Lewis and M. E. Lewis, and that they saw them execute (or heard and acknowledge the execution of) this writing as their last will and testament, and that affiant attested it in the presence and at the request of said G. T. Lewis and M. E. Lewis deceased; and that at the time of its execution (or at the time its execution was acknowledged) said G. T. Lewis and M. E. Lewis was, in affiant's opinion, of sound mind and disposing memory.

C. R. Sellers
Layton Swain

Severally subscribed and sworn to before me, this 7th day of April, 1952.

S. T. Bennett
CLERK SUPERIOR COURT
BRUNSWICK COUNTY

And thereupon it is considered and adjudged by the Court that the said paper-writing and every part thereof is the last will and testament of G. T. Lewis and M. E. Lewis, deceased, and it is ordered that the same, with the foregoing examination and this certificate, be recorded and filed.

This 7th day of April, 1952.

S. T. Bennett
CLERK SUPERIOR COURT
BRUNSWICK COUNTY

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

I, G. T. Lewis and wife, M. E. Lewis, of the afore said county and State, and being of sound mind, But Considering, the uncertainty of our earthly existence, do make and declare this our 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 out of my estate or belonging to my estate;

Second, We give and devise to our son D. S. LEWIS, the tract of land that we now live or reside on, containing 100 acres, Excepting our lifetime right in Town Creek Township adjoining the lands, of Layton Swain and Charlie Sellers, and others which I purchased of N. B. Robbins, January 6th, A.D. 1899.

Fourth, We give and bequeath to our son D. S. LEWIS, all of our property rights and moneys of every description whatsoever, excepting, ONE DOLLAR to each and every one of

our children or our heirs, or minor heirs and the debts owing to me to be collected by our son D. S. LEWIS.

NOW THEREFORE our will and desire is that we for and in consideration of twenty-five dollars to us paid by our son, D. S. LEWIS, the receipt whereof is hereby acknowledged that is to perform the duties and comply with the request as afore stated and upon the proof of the fulfillment and obedience to the foregoing request then all of my property right acquiescence and demands is and shall be the property of our son D. S. LEWIS, and to his heirs and assigns forever and that the intention of the foregoing is to convey with a good and sufficient warranty all of our belongings of our personal or real property unto our son, D. S. LEWIS, in testimony whereof we have hereunto set our hands affixed our seals this the 17th day of May, 1928.

G. T. Lewis (seal)
M. E. Lewis (seal)

WITNESSES TO THE ABOVE WILL:

U. W. Cumber
C. H. Sellers
Layton Swain

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

I, J. B. ATKINSON, A NOTARY PUBLIC, in and for the above named county and state, do certify that the execution of the foregoing will and deed was this day acknowledged before me by G. T. Lewis, and his wife, M. E. Lewis, for the purpose therein expressed and the said wife of G. T. Lewis being by me privately examined separately and a part from her said husband or any other person as touching her voluntary execution of the same doth state that she signed the same freely and voluntarily without fear or compulsion of her said husband or any other person and that she doth still voluntarily assent thereto witness my hand and Notarial seal this the 17th day of May 1928.

My commission expires June the 29th, 1929.

J. B. Atkinson
NOTARY PUBLIC
BRUNSWICK COUNTY

STATE OF NORTH CAROLINA
GASTON COUNTY

I, EARL E. GROVES, a citizen and resident of the County of Gaston, State of North Carolina, do hereby revoke and declare utterly null and void any and all wills and codicils heretofore made by me; and I do hereby make, publish and declare this to be my last will and testament, in manner and form following, to-wit:

ITEM I.

I direct that all of my just debts, my funeral expenses, and the cost of such monument at my grave as my wife and/or family may approve, shall be paid as soon as practicable and convenient after my death; provided, however, that any debt for the payment of which I may have become and be obligated at the time of my death, either as maker, endorser, principal, surety or otherwise, and whether secured or unsecured, may be by the Executors and/or Trustees hereinafter named carried, renewed, extended and re-financed from time to time, upon such terms and with such security as said Executors and/or Trustees may deem advisable. I also direct that all estate, inheritance, transfer, succession or other taxes or duties imposed and levied with respect to any property owned by me at the time of my death, or any property which may be taxable as a part of, or as if a part of, my estate, and including proceeds of insurance upon my life, shall be out of my general estate, as if an expense of the administration thereof, and shall not be charged against, or recovered from the several beneficiaries hereunder, or the takers of any such property or proceeds of insurance.

ITEM II.

I do give and bequeath all tangible personal property owned by me at the time of my death, excepting and excluding any tangible personal property which I, or any partnership in which I may be a member, may own and use in connection with the operation of my business, to my wife, Lucia McLees Groves, if she shall have survived me; but if my said wife shall not have survived me, then I do give and bequeath same to my children as surviving, in equal shares and portions, and to be divided among them as my said surviving children may agree among themselves; or in the event my surviving children in such case should not be able to agree upon the division thereof, then the Executors under this will shall divide same equally among my surviving children in such manner as they may deem advisable and for their best interests. Any tangible personal property to which my minor beneficiary may become entitled under this Item of my will may be by my Executors turned over and delivered to the guardian or other person having the care and management of such minor beneficiary, whose receipt therefor shall be a full acquittance to the Executors; or my Executors may deliver any such tangible personal property to any other beneficiary whom they may deem to have attained such age and discretion as to such course, and whose receipt therefor shall be a full acquittance to my Executors.

ITEM III.

If during the administration of my estate and only before the setting up of the trust estates hereinafter provided for, the income and annuities received by my said wife, Lucia McLees Groves, and by my lineal descendants, from all sources whatsoever, including income which my said wife may receive as the natural guardian of any of my children for their use, benefit and support, shall not in the opinion of my Executors be sufficient to provide my said wife and my said lineal descendants with such comfortable maintenance, support and pleasure as they were used to enjoy during my lifetime, and in the case of my children, an education, including a collegiate education, then I direct my Executors to pay to my said wife out of my estate, and beginning immediately after my death if deemed necessary, and if in the opinion of my Executors my estate is solvent and will provide therefor, such amounts as they in their discretion shall deem reasonably necessary and sufficient, when added to such other annuities and income as may then be received by my said wife and/or my lineal descendants, to provide my said wife and my said lineal descendants with such reasonable support, maintenance, pleasures and education.

ITEM IV.

All of the rest, residue and remainder of my property and estate, of every kind, class and description and whatsoever situate, lying and being, of which I may die seized and possessed, or to which I may be in any way entitled at the time of my death, or to which I may become entitled hereafter become entitled, and which is here-

inafter sometimes referred to as my "residuary estate", I do hereby devise and bequeath as follows:

A. If, and only if, my said wife, Lucia McLees Groves, shall have survived me, then I do devise and bequeath to her in fee simple and absolutely, that portion or part of my residuary estate equal in value to forty per centum (40%) of my said residuary estate, valued and figured, however, before payment of, or any provision for payment of, and undiminished by, any federal estate taxes and/or state inheritance taxes; provided, however, and I do direct that there shall be included so far as possible in the share or portion of my residuary estate so devised and bequeathed to my said wife only such properties or interests therein as will qualify under federal estate tax laws then in force for inclusion within the so-called "marital deduction", if the federal estate tax laws shall then provide for such so-called "marital deduction".

B. All of the rest and remainder of my said residuary estate, or the whole of my said residuary estate in the event my said wife shall have predeceased me, shall be divided into such number of equal shares or portions as that one such equal share or portion shall be set aside for my son, Earl Thornwell Groves, who was born the 23rd day of June, 1927, or for his issue collectively if he shall have predeceased me leaving issue surviving; one such equal share or portion shall be set aside for my daughter, Miriam Elizabeth Groves, who was born the 27th day of April, 1929, or for her issue collectively if she shall have predeceased me leaving issue surviving; one such equal share or portion shall be set aside for my daughter, Jean Abney Groves, who was born the 9th day of June, 1934, or for her issue collectively if she shall have predeceased me leaving issue surviving; one such equal share or portion shall be set aside for my son, David McLees Groves, who was born the 3rd day of February, 1944, or for his issue collectively if he shall have predeceased me leaving issue surviving, and all subject to the following further terms and provisions, to-wit:

1. If my said son, Earl Thornwell Groves, shall have survived me, then the share or portion of my residuary estate so to be set aside for him as aforesaid shall go, belong and vest in him in fee simple absolute; but if my said son, Earl Thornwell Groves, shall have predeceased me leaving issue him surviving, the share or portion so to be set aside for his surviving issue shall be by the Trustees hereinafter named to be held in trust for such surviving issue under the provisions hereinafter set forth.

2. The shares or portions of the residuary estate so to be set aside for each of my other children above named, viz: Miriam Elizabeth, Jean Abney and David McLees, and for the issue collectively of any one of my children, including said Earl Thornwell, who shall have predeceased me leaving issue him surviving, I do devise and bequeath to my said wife, Lucia McLees Groves, my said son, Earl Thornwell Groves, and American Trust Company of Charlotte, North Carolina, a corporation organized under the banking laws of the State of North Carolina, with its principal office in said City, and who are hereinafter referred to as "Trustees", or to the survivor or survivors of them, in trust nevertheless for the equal use and benefit of my three younger children above named and the issue collectively of any one of my four children above named who may have predeceased me leaving issue him surviving and for the following uses and purposes and subject to the following limitations and conditions, and none other, to-wit:

The properties to be held in trust hereunder for each child of mine and for the issue collectively of each child of mine who may have predeceased me leaving issue shall be set up, handled and administered as a separate, segregated trust for each surviving child and the issue collectively of each such predeceased child.

The Trustees shall take, hold, manage and control all of the properties at any