

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

E. J. Prevatte and A. W. Smith, being duly sworn, say that they are well acquainted with the handwriting of Douglas Hewett, one of the subscribing witnesses to the paper-writing purported to be the will of James McMillan, Sr., deceased, which is hereto attached, dated the 19th day of September, 1940, having seen him sign his name as a witness to the will, and that the name of said Douglas Hewett subscribed as a witness to said will is in the genuine handwriting of the said Douglas Hewett; and affiants further swear that they are well acquainted with the handwriting of James McMillan, Sr., deceased, whose will the attached paper-writing, dated the 19th day of September, 1940, purports to be having often seen him write, and that the name of the said James McMillan, Sr. subscribed to said will is in the genuine handwriting of the said James McMillan, Sr.

E. J. Prevatte

A. W. Smith

Subscribed and sworn to before me, this 30 day of August, 1946

S. T. Bennett
CLERK OF THE SUPERIOR COURT

And thereupon it is ordered and adjudged by the court that the said paper-writing and every part thereof is the last will and testament of James McMillan, Sr., deceased, and it is ordered that the same, with the foregoing examination and this certificate be recorded and filed.

This 30 day of August, 1946.

S. T. Bennett
CLERK OF THE SUPERIOR COURT

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

IN THE SUPERIOR COURT
BEFORE THE CLERK

IN THE MATTER OF THE WILL OF (
JAMES McMILLAN, SR., DECEASED)

The paper-writing hereto attached and purporting to be the last will and testament of James McMillan, Sr., deceased, is exhibited before the undersigned clerk of the Superior Court of Brunswick County, North Carolina, by E. J. Prevatte, the executor therein named, and thereupon the following proof thereof is taken by the oath and examination of A. W. Smith, one of the subscribing witnesses thereto, and of E. J. Prevatte, as follows:

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

A. W. Smith, being duly sworn, says that he is a subscribing witness to the said paper-writing now shown him, purporting to be the last will and testament of James McMillan, Sr. and that he saw him execute this writing as his last will and testament and that affiant attested it in the presence and at the request of said James McMillan, Sr., deceased; and that at the time of its execution said James McMillan, Sr. was, in affiant's opinion, of sound mind and disposing memory. Affiant further swears that Douglas Hewett, the other subscribing witness to said will, signed the same as a witness in the presence of affiant and that affiant saw him sign the same, and that the location of the said Douglas Hewett is now unknown.

A. W. Smith

Subscribed and sworn to before me this 30 day of August, 1946.

S. T. Bennett
CLERK OF THE SUPERIOR COURT

No. 593

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

I, James McMillan, Sr., 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: - I give and devise to beloved daughter, Mary Riggins, the home and 14 acres of my old home place on Sturgeon Branch; said property is located in Smithville Township, of the above said county and near the city of Southport.

Second: - I give and devise to my beloved grand daughter, Ethel Baldwin, daughter of my daughter Ella, one (1) acre of the land of my old home place on Sturgeon Branch.

Third: - I give and devise to my beloved grand daughter, Boulah Baldwin, daughter of my daughter Ella, one (1) acre of the land of my old home place on Sturgeon Branch.

Fourth: - I give and devise to my beloved grand daughter, Annie Mae Hewitt, daughter of my son James McMillan, Jr., one (1) acre of the land of my old home place on Sturgeon Branch.

Fifth: - I give and devise to my beloved daughter Mary McMillan, one (1) acre of the land of my old home place on Sturgeon Branch.

Sixth: - My will is that all the rest and residue of my estate, if any, after complying with the above mentioned requests and the debts owing me collected and the surplus therefrom, if any, shall be given to the above named beloved daughter, Mary Riggins.

Seventh: - I hereby constitute and appoint my trusted adviser and attorney, E. J. Prevatte, my lawful executor 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 the clauses thereof, hereby revoking and declaring utterly void all other wills and testament by me heretofore made.

In witness whereof, I, the said James McMillan, Sr., do hereby set my hand and seal, this the 19th day of September, 1940.

James McMillan (SEAL)

Signed, sealed, published and declared by the said James McMillan, Sr., to be his last will and testament in the presence of us, who, at his request and in his presence and in the presence of each other, do subscribe our names as witnesses thereto.

A. W. Smith Address Southport

Douglas Hewett Address Supply, N.C.
Rt. 1, Bx 20