

State of North Carolina

Rutherford County

In the Superior Court.

A paper purporting to be the last Will and Testament of John McKenzie deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by James F. Triplett, the executor therein mentioned, and the due execution thereof by the said John McKenzie by the oath and examination of R. W. Sellers and R. C. Triplett the subscribing witnesses thereto, who being duly sworn doth depose and say, and each for himself depose and swear, that he is a subscribing witness to the paper writing now shown him, purporting to be the last Will and Testament of John McKenzie that the said John McKenzie 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 17th day of February, 1898, and the deponent further saith, that the said John McKenzie the testator aforesaid, at the time of subscribing his name as aforesaid declare the said paper writing to be subscribed by him, and exhibited to be his last Will and Testament, and the 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's subscribing his name as an attesting witness thereto as aforesaid, the said John McKenzie 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.

R. W. Sellers

R. C. Triplett

Subscribed sworn and subscribed, this
4th day of April, 1898, before me.

J. P. Sharp

Clerk Superior Court

North Carolina

Rutherford County

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 John McKenzie deceased. Let the said Will, together with the probate, be recorded and filed.

This 4th day of April 1898.

J. P. Sharp

Clerk Superior Court

State of North Carolina

Rutherford County

I John McKenzie of the State and County aforesaid, being of sound mind and memory, but considering the uncertainty of my earthly existence, do make and declare this my last will and Testament in manner and form following, that is to say: That my executor hereinafter named shall provide for my body a decent burial, suitable to the wishes of my relations and friends, and pay all funeral expenses, together with my just debts, however and to whomsoever owing and of the moneys that may first come into his hands as a part or parts of my estate.

First

Item.

I give and devise to my beloved daughter Mary Triplett, all my real and personal estate, which I may be possessed or seized of at my death.

Item -

I give and devise to my beloved daughter Jane Biggs a life time right in the estate, provided she should ever leave her husband, and at her death the whole to revert to my beloved daughter Mary and her heirs.

The intent of the foregoing is, and my will is, that if my beloved daughter Jane Biggs should ever be divorced from her said husband, that she shall find a place of refuge and a home with means of support, but if she remain with her said husband, my will is that she have no part or interest in my estate over and above that which she is by law compelled to have (if any) to make this my will valid. And lastly I do hereby constitute and appoint my beloved son in law James F. Triplett 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 clause thereof hereby reciting and declaring utterly void all other wills and Testaments by me heretofore made. In witness whereof, I the said John McKenzie do hereunto set my hand and seal this 17th day of Feb. 1898.

John McKenzie

Signed, sealed and delivered in presence of us, published and declared by said John McKenzie to be his last will and Testament, at his request and in his presence we subscribed our names as witnesses to the same.

R. W. Sellers

Geo. Leonard

J. C. Triplett