

STATE OF NORTH CAROLINA,
COUNTY OF BRUNSWICK.

TO THE HONORABLE CLERK OF SUPERIOR COURT OF BRUNSWICK COUNTY:

The undersigned, Ruby Clemmons, respectfully shows the Court:

1. That Katie L. Clemmons, late of Brunswick County, died on the 1st day of April, 1953, leaving a Will, which is attached hereto, and in which Will she appointed the said Ruby Clemmons and Garland Clemmons executrix and executor, respectively.
2. That the undersigned renounces her rights as executrix under the Will and respectfully requests the Court that the executor named therein be empowered to administer the estate under the provisions of the said Will.

This the 8th day of April, 1953.

Ruby Clemmons
RUBY CLEMMONS

Sworn and subscribed to before
me, this the 8th day of April, 1953.

B. J. Holden
Asst. Clerk Superior Court

STATE OF NORTH CAROLINA,)
COUNTY OF BRUNSWICK)
IN THE MATTER OF THE WILL OF)
KATIE L. CLEMMONS)

IN THE SUPERIOR COURT
BEFORE THE CLERK

The paper writing attached hereto and purported to be the Last Will and Testament of Katie L. Clemmons, deceased, is exhibited before the undersigned Clerk of Superior Court of Brunswick County, North Carolina, by Garland Clemmons, Executor named therein, and thereupon the following proof therefor is taken by the oath and examination of S. B. Frink, one of the subscribing witnesses, Mrs. Ressie Whatley, and Mrs. Nellie Clemmons, as follows:

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

S. B. Frink, 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 Katie L. Clemmons, that he saw the said Katie L. Clemmons execute this writing as her Last Will and Testament, and that affiant attested it in the presence and at the request of said Katie L. Clemmons, deceased; and at the time of the execution, said Katie L. Clemmons was, in affiant's opinion, of sound mind and memory. Affiant further swears that R. C. St. George, the other subscribing witness to said Will, signed the same as a witness in the presence of the affiant and that affiant saw him sign the same, and that the said R. C. St. George is now dead.

S. B. Frink
S. B. FRINK

Subscribed and sworn to before me
this the 8 day of April, 1953.

B. J. Holden
Asst. Clerk Superior Court

STATE OF NORTH CAROLINA,
COUNTY OF BRUNSWICK.

NELLIE CLEMMONS, being duly sworn, says that she is well acquainted with the handwriting of Katie L. Clemmons, deceased, whose Will, the attached paper writing dated the _____ day of _____, 1941, purports to be, having often seen her write, and that the name of the said Katie L. Clemmons subscribed to the said Will is in the genuine handwriting of the said Katie L. Clemmons.

Nellie Clemmons
Nellie Clemmons

Sworn and subscribed to before
me, this the 8th day of April, 1953

B. J. Holden
Asst. Clerk Superior Court

STATE OF NORTH CAROLINA,
COUNTY OF BRUNSWICK

Mrs. Ressie Whatley, first being duly sworn, deposes and says:

That she was well acquainted with the handwriting of R. C. St. George, one of the subscribing witness to the attached paper-writing purporting to be the Last Will & Testament of Katie L. Clemmons, having often seen him write and that the name of R. C. St. George subscribed as a witness to said Will, is in the genuine hand writing of the said R. C. St. George.

Mrs. Ressie Whatley
Mrs. Ressie Whatley

Sworn and subscribed to before
me, this the 8th day of April, 1953.

B. J. Holden
Asst. Clerk 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 Katie L. Clemmons, deceased, and it is ordered that the same, with foregoing examination and this certificate, be recorded and filed.

This the 8 day of April, 1953.

B. J. Holden
Asst. Clerk Superior Court

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

LAST WILL AND TESTAMENT OF
MRS. KATIE L. CLEMMONS.

I, Mrs. Katie L. Clemmons, of the aforesaid County and State, being/sound mind, but considering the uncertainty of my earthly existence, do make and declare this my last will and testament.

FIRST: My Executor and Executrix, hereinafter named, shall give my body a decent burial, suitable to wishes of my friends and relatives, and pay all funeral expenses, together with all my just debts, if any, out of the first moneys which may come into their hands belonging to my estate.

SECOND: I give, bequeath and devise to my beloved son, Garland Clemmons, one-fourth of all my property, both real and personal, which I may die possessed of.

THIRD: I give, bequeath and devise to my beloved daughter, Ruby Clemmons, one-fourth of all my property, both real and personal, which I may die possessed of.

FOURTH: I give, bequeath and devise to my beloved grandsons, Moody Clemmons and Jack Clemmons, one-fourth of all my property, both real and personal, which I may die possessed of, to be shared and share alike, upon the conditions, nevertheless, that said property shall be held in trust by the Clerk of the Superior Court of Brunswick County, North Carolina, for the said Moody Clemmons and Jack Clemmons, until they become twenty-one years of age, unless the said Clerk in his discretion shall find as a fact that they or either of them is in need of funds to finish their education or in actual need and want and it is necessary to let them or either of them have a part of said property, then in that event, the said Clerk shall, in his discretion, pay to them or either of them the amount he finds they need.

FIFTH: I give, bequeath and devise to my beloved granddaughter, Wilhelmina Clemmons, one-fourth of all my property, both real and personal, which I may die possessed of, upon the condition nevertheless, that said property shall be held in trust by the Clerk of the Superior Court of Brunswick County, North Carolina, for the said Wilhelmina Clemmons until she becomes twenty-one years of age, unless the said Clerk in his discretion shall find as a fact that she is in need of funds to finish her education or in actual need and it is necessary to let her have a part of said property, then in that event the said Clerk shall in his discretion pay to her the amount he finds that she needs.

SIXTH: I hereby constitute and appoint my beloved daughter, Ruby Clemmons, and my beloved son, Garland Clemmons, my lawful executor and executrix to all intents and purposes, to

execute this my Last Will and testament, according to the intent and meaning of the every part and clause thereof hereby revoking and declaring utterly void all other wills and testaments by me heretofore made. My said executrix and executor are both to serve without bond.

IN WITNESS WHEREOF, I, the said Mrs. Katie L. Clemmons, do hereunto set my hand and seal, this ___ day of ___, 1941.

Kate L. Clemmons (SEAL)

Signed, sealed, published and declared by the said Mrs. Katie L. Clemmons to be her Last Will and Testament in presence of us, who, at her request and in her presence, do subscribe our names as witnesses thereto.

R. C. St. George
WITNESS:

S. B. Frink
WITNESS:

ss. 676

IN THE MATTER OF THE PROBATE OF THE LAST WILL AND TESTAMENT
OF JAMES M. POWELL, DECEASED

PROBATE OF HOLOGRAPH WILL

Robert W. Powell, Jr., being duly sworn, deposes and says, that the paper writing without subscribing witnesses, purporting to be the last Will and Testament of James M. Powell deceased, dated the 17th day of April, 1943, and exhibited for probate in open Court, was found among the valuable papers and effects of the said James M. Powell, after his death, or prior thereto, has been deposited with for safe keeping.

Sworn to and subscribed before me,
this 13th day of April, 1953.

Robert W. Powell, Jr.

C. L. Derr
Clerk Superior Court

DEPOSITIONS OF WITNESSES AS TO HAND WRITING OF TESTATOR

J. Spicer Holmes, Ruth Minton and Eula B. Whitley, being duly sworn do each depose and say: That he has examined the paper writing purporting to be the last Will and Testament of James M. Powell, deceased, which has been exhibited before me for probate, and that he is well acquainted with the hand writing of said Testator, having often seen him write, and that he verily believes that the name of said James M. Powell subscribed to said last Will and Testament and the said last Will and Testament itself and every part thereof is in the genuine handwriting of said deceased.

Sworn to and subscribed before me,
this 13th day of April, 1953

J. Spicer Holmes

C. L. Derr
Clerk Superior Court

Sworn to and subscribed before me,
this 13th day of April, 1953

C. L. Derr
Clerk Superior Court

Sworn to and subscribed before me,
this 13th day of April, 1953

C. L. Derr
Clerk Superior Court

Ruth Minton

Eula B. Whitley

ORDER OF PROBATE

A paper writing purporting to be the last Will and Testament of James M. Powell, deceased, having been exhibited before me by Robert W. Powell, Jr. the said James M. Powell, deceased, and proof of the due execution thereof having been taken as set forth in the mentioned,

foregoing depositions, which are incorporated herein and made a part hereof and the same being deemed sufficient.

IT IS, THEREFORE, CONSIDERED AND ADJUDGED that the said paper writing and every part thereof is the last Will and Testament of the said James M. Powell, deceased.

Let the last Will and Testament together with said probate, be recorded and filed.

This the 13th day of April, 1953.

C. L. Derr
Clerk Superior Court

I, James M. Powell, of the City of Goldsboro, N. C., do make, publish and declare this to be my last will and testament.

I give to my sister Louise Powell Morris all property of whatsoever kind and nature whether real or personal of which I may die possessed, except my interest in property in Seawell Beach, Brunswick County, N. C.; this I give to my nephew Robert W. Powell Jr. and my niece Huldah S. Powell to share and share alike. I hereby appoint my brother Robert W. Powell Sr. as executor, without bond, with full powers to sell, convey, rent, mortgage, transfer and assign any or all of my said property upon such terms and conditions as he may deem to be to the best interest of my estate.

James M. Powell (Seal)
Date- April 17th 1943

NORTH CAROLINA

WAYNE COUNTY

I, C. L. Derr, Clerk of the Superior Court of Wayne County, North Carolina, do hereby certify that the foregoing two pages contain a full, true and perfect copy of the last Will and Testament of James M. Powell, deceased, together with the probate of the same, as the same appears of record in Will Book 9 at page 68, now on file in my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of my office, this 29 day of April, 1953.

C. L. Derr
Clerk of the Superior Court of
Wayne County, North Carolina

(SEAL)

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NORTH CAROLINA

BRUNSWICK COUNTY

ORDER

A copy of the last Will and Testament of James M. Powell, deceased, together with the probate of the same certified under the hand and seal of the Clerk of the Superior Court of Wayne County being presented for record, and it further appearing to the Court that said will contains a devise of real estate situate in Brunswick County:

It is ordered that said copy of said Will, together with the probate of the same, the attestation thereof and this order be recorded in the Book of Wills and filed in this office.

This 5 day of May, 1953.

S. T. Bennett
Clerk of the Superior Court of
Brunswick County, North Carolina