

STATE OF NORTH CAROLINA
CATAWBA COUNTY

ss.

IN THE SUPERIOR COURT

Another writing purporting to be the last Will and Testament of Lu Ella Klutz, deceased, who died the 26th day of April, 1926, is exhibited before me the undersigned Clerk of the Superior Court of said county, by L. P. Klutz and Flint Klutz, the executors therein mentioned, and the due execution thereof by the said Lu Ella Klutz by the oath and examination of S. L. Heffner and A. C. Black, the subscribing witnesses thereto; who, being duly sworn, doth depose and say, and each for himself depose and saith, that he is a subscribing witness to the paper writing now shown him, purporting to be the last Will and Testament of Lu Ella Klutz; that the said Lu Ella Klutz, in the presence of this deponent, subscribed her name at the end of said paper writing, which is now shown as aforesaid, and which bears date of _____ day of December, 1922.

AND THE DEPONENT FURTHER SAITH, that the said Lu Ella Klutz, the testator aforesaid, did, at the time of subscribing her name as aforesaid, declare the said paper writing so subscribed by her and exhibited, to be her last Will and Testament, and this deponent did thereupon subscribe her 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 same time when the said testator subscribed her name to the said last Will as aforesaid, and at the time of the deponent's subscribing her name as an attesting witness thereto, as aforesaid, the said Lu Ella Klutz 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.

S. L. HEFFNER

A. C. BLACK

Severally sworn and subscribed, this
12th day of June, 1933, before me,

R. M. YOUNT
Clerk Superior Court.

STATE OF NORTH CAROLINA
CATAWBA 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 Lu Ella Klutz, deceased, Let the said Will, together with the probate, be recorded and filed.

This 12th day of June, 1933.

R. M. YOUNT
Clerk Superior Court.

NORTH CAROLINA)
CATAWBA COUNTY)

I, Lu Ella Klutz, wife of Dr. P. J. Klutz, of 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 give my body and the body of Dr. P. J. Klutz my husband a burial, suitable to the wishes of our friends and relatives, and pay all funeral expenses, and any debts that I may contract myself, but at this date I have not contracted any debts, out of the first moneys which may come into their hands belonging to my estate. If Dr. P. J. Klutz is living at the time of my death he is to give my body a burial, as the executors are to have no authority to act under this will until after the death of both my husband and myself. After the death of both my husband and myself, my executors are to erect a monument or monuments at the graves of my husband and myself, this to be entirely in the discretion of my executors whether one or two and they are hereby given the authority to spend whatever amount they see fit for the said monuments, the erection of monument or monuments and the price paid being entirely and absolutely in the hands of my executors and in their discretion.

SECOND. I give and devise to my son Paul J. Klutz, Jr., three hundred acres of land located in Brunswick County, N. C., Two hundred acres located on the Seaboard Railroad, and One hundred on the Coast Line Railroad. He is only to have a frontage on the Railroad like the remainder of the land after he gets his, taking into consideration the number of acres, he is to have no more frontage on Railroad than any equal number of acres of the remainder would have, I authorize Dr. P. J. Klutz to make his this deed and select, the land where he wishes and make the deed at such time as he things best. If Dr. P. J. Klutz fails to make this deed during his life time, then I authorize my two executors L. F. Klutz and Dr. Flint Klutz, to make the deed upon demand of Paul J. Klutz, Jr., or his heirs.

THIRD: I hereby authorize Dr. P. J. Klutz to sell enough land or timber to finish the education of such of my children whose education has not been finished, if the money from the sale of the land is needed to finish their education, excepting the farm between Providence Cotton Mills and the Cross Roads, this is not to be sold for the education of children; If Paul J. Klutz, Jr., desires an education in stead of the three hundred acres of land Dr. P. J. Klutz may include him among the children whose education has not been completed and sell land or timber to pay for his education is same is needed, and if Dr. P. J. Klutz is not living and Paul J. Klutz, Jr., desires education instead of land I authorize, L. F. Klutz and Dr. Flint Klutz, to sell land or timber if same is necessary to educate him. If any of my childrens education has not been completed at the time of my death and at the time of my husbands death, and said children desire to complete their education and there not be funds on hands belonging to my estate sufficient to complete their education then I authorize my executors, L. F. Klutz and Dr. Flint Klutz to sell land or timber sufficient to complete their education. If Dr. P. J. Klutz does not have funds to spare out of his income to purchase household and kitchen furniture for my daughter Pruella Klutz, and she has not received same at the time of my death I hereby authorize Dr. P. J. Klutz to sell land or timber sufficient to purchase her furniture, if income from life estate is insufficient said furniture to be in keeping with her station in life, and she is to receive same whether single or married. If for any cause my daughter Pruella Klutz fails to receive a reasonable amount of education when I authorize Dr. P. J. Klutz, if living to make a deed for enough land to take the place of her education as far as dollars is concerned. If my daughter Pruella Klutz fails to get her education or land during my time or the life time of my husband, I authorize my two executors to make her deed for enough land that in value would amount to cost of education. She of course having the privilege of taking education in lieu of the land.

FOURTH: I give and devise all the real estate that I own or may own at the time of my death, to Dr. P. J. Klutz, during his life time and only during his life time, he only getting a life estate in said real estate, and after his death all my real estate is to be equally divided between my eight children, said real estate being given and devised my my eight children, they taking possession after the death of my said husband. Excepting of course any real estate that my have been devised in paragraph Third. This life estate in non-transferable and possession by any person or persons other than Dr. Klutz will cause it to end and all rights if any eight children to vest immediately.

FIFTH: I give and bequeath all the personal property that I own nor or may own at the time of my death to Dr. P. J. Klutz during his life time, and only during his life time, and after his death all personal property is to be equally divided between my eight children. In addition to the other personal property that I own I will say by way of information that all the personal property on the premises where I now reside in Maiden, N. C., belongs to me, this includes personal property both inside and out side of the house. There shall be no sale of personal property but same must be divided equally among my eight children after the death of my husband Dr. P. J. Klutz.

SIXTH: If either of my children or any one else objects to this will and undertakes to object to same being carried out he or she will take nothing under this my last will and testament nor will he or she take anything under the law.

SEVENTH. My daughter Pru Ella Klutz is to have the household and kitchen furniture mentioned in paragraph third in addition to bed clothes already given her at the time of the making of this will.

EIGHTH. I hereby appoint and constitute L. F. Klutz and Dr. Flint Klutz, my lawful executors to all intents and purposes, to execute this my last will and testament hereby revoking and declaring utterly void all other will and testaments by me heretofore made. My executors are not to qualify as executors until after the death of both my husband and myself. If my husband Dr. P. J. Klutz, should be living at the time of my death he is to give my body a burial, and my executors only to act in the event of his death. My executors shall receive no pay for their services.

In witness whereof I, the said Lu Ella Klutz do hereunto set my hand and seal, this _____ day of December, 1922.

Lu Ella Klutz (SEAL)

Signed, sealed, published and declared by the said Lu Ella Klutz to be her last will and testament in the presence of us, who, at her request and in her presence, (and in the presence of each other,) do subscribe our names as witnesses thereto.

S. L. HEFFNER

A. C. BLACK

Probated June 12, 1933.

STATE OF NORTH CAROLINA "
CATAWBA COUNTY "

OFFICE OF THE CLERK OF THE SUPERIOR COURT

I, P. W. Deaton, Clerk of the Superior Court of Catawba County, State of North Carolina, which Court is a Court of Record, having and official seal, which is hereto attached, do hereby certify the foregoing and attached (Three (3) sheets) to be a true