

State of North Carolina } In the
Brunswick County } Superior Court.

A paper purporting to be the last Will and Testament of Samuel Russ deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by C. H. Russ and Luther Russ the executors therein mentioned, and the due execution thereof by the said Samuel Russ by the oath and examination of W. L. Russ and E. L. Stanley 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 Samuel Russ that the said Samuel Russ in the presence of this defendant subscribed his name at the end of said paper writing which is now shown as aforesaid, and which bears date of the 23rd day of July 1906.

And the Defendant further saith, that the said Samuel Russ the testator aforesaid, did at the time of subscribing his name as aforesaid declare the said paper writing as subscribed by him and exhibited to be his last Will and Testament, and this defendant 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 defendant further saith, that at the same time when the said testator subscribed his name to the said last Will as aforesaid, and at the time of the defendant subscribing his name as an attesting witness thereto, as aforesaid, the said Samuel Russ 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 defendant: And further these defendants say not.

W. L. Russ
E. L. Stanley

Solemnly sworn and
subscribed, this 12th day
of Jan. 1909, before me.
R. S. Newton,
Clerk Superior Court

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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 Samuel Russ deceased. Let the said Will, together with the probate, be recorded and filed.

This 12th day of January 1909.
R. S. Newton,
Clerk Superior Court.

North Carolina }
Brunswick County } I, Samuel Russ, 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 give my body a decent burial, suitable to the wishes of my friends and relatives and pay all funeral expense, together with all my just debts, out of the moneys which may come into his hands belonging to my estate.

Second. I give and devise to my beloved wife Mary, the tract of land on which I now reside containing about five acres more or less for her natural life, in satisfaction of her dower and thirds in all my lands.

Third. I give and devise to my son Luther

I, Russ and his heirs, in fee simple a track of land in Charlotte Township Brunswick County adjoining of W. H. Russ, L. D. Edwards and others containing seventy-five acres more or less, being the track set apart for the dower of my beloved wife Mary C. Russ and bounded as follows: Beginning at a corner known as W. H. Russ, N. D. Mintz, John W. Russ corner being on the North side of the Charlotte and Starbord road, run thence with W. A. Russ line to the ford of the Horsepen branch, thence down the run of said Horsepen branch to the edge of the big Branch thence with the edge of the big Branch to the mouth of the Rabbit Creek, thence up the said Creek to the Charlotte and Starbord road, thence westward with said road to the beginning this being the track of land on which I now live, subject to the life estate of my said wife, as devised in a former item of this my will, to have and to hold to him and his heirs in fee simple.

Fourth I give and bequeath to my son Luther, I. Russ all of my Farming tools and all my household and Kitchen furniture subject to the life estate of my said wife.

Fifth, My will and desire is that all the residue of my estate (if any) after taking out the devises and legacies above mentioned shall be paid and the debts owing to me collected, and if there should be any surplus over and over the payment of debts, expenses and legacies that such surplus shall be equally divided and paid over to my said wife and all my Children in equal proportion, share and share alike.

Sixth I hereby constitute and appoint my trusty sons Charles F. Russ and Luther I. Russ 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 revoking, declaring utterly void all other wills and testaments by me heretofore made.

In Witness, whereof, I the said Samuel Russ do hereunto set my hand and seal this 23^d day of July 1906.

Samuel Russ *(Signature)*

Signed, Sealed published and declared by the said Samuel Russ to be his last will and testament in the presents of us who at his request and in his presents do subscribe our names as witnesses thereto. Witness.

W. L. Russ.

E. L. Stanley.