

entitled under said Will to the said property. So help me God.

Sworn to and subscribed  
before me, this 13th day of  
January, 1949.

Annie Belle Lowe, Deputy Clerk Superior Court.

Southgate Jones, Jr.

Depositors National Bank  
By Milton E. Hogan, Jr.,  
Ass't Trust Officer

#### OATH OF EXECUTOR

STATE OF NORTH CAROLINA DURHAM COUNTY

IN THE SUPERIOR COURT

We, Southgate Jones, Jr., and Milton E. Hogan, Jr., Ass't Trust Officer, do solemnly swear that I believe this paper writing to be and contain the last Will and Testament of Southgate Jones; that I will well and truly execute the same by first paying his debts and then his legacies, so far as the said estate shall extend or the law will charge me, and all other duties pertaining to the office of executors I will discharge according to law, to the best of my skill and ability.

Subscribed and sworn to  
before me, this 13th day  
of January, 1949.

Southgate Jones, Jr.

Milton E. Hogan, Jr.  
Ass't Trust Officer

Annie Belle Lowe, Deputy Clerk Superior Court

#### LETTERS TESTAMENTARY

STATE OF NORTH CAROLINA - DURHAM COUNTY - IN THE SUPERIOR COURT

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETING:

It being Satisfactorily Proven to the Undersigned, Clerk of the Superior Court for Durham County, that Southgate Jones, late of said county, is dead, having made his last Will and Testament, which has been admitted to probate (a true copy whereof is hereunto annexed), and Southgate Jones, Jr., and Depositors National Bank, the executors named therein, having qualified as such according to law;

Now these are therefore to empower the said executors to enter in and upon all and singular the goods and chattels, rights and credits of said deceased, and the same to take into possession wheresoever to be found, and all the just debts of the said deceased to pay and satisfy, and the residue of said estate to distribute according to the directions of said Will.

Witness my hand and the seal of the said Court, this the 13th day of January, 1949

W. H. Young  
Clerk Superior Court

STATE OF NORTH CAROLINA

DURHAM COUNTY

#### LAST WILL AND TESTAMENT OF SOUTHGATE JONES

I, Southgate Jones, of the County and City of Durham, State of North Carolina, being of sound mind and disposing memory and mindful of the uncertainty of human existence, do hereby declare this to be my last Will and Testament:

#### ITEM X

I hereby revoke any and all other former wills and codicils by me made, and establish this and this only as and for my Last Will and Testament.

#### ITEM XI

My executors are directed to pay all my funeral expenses, all expenses of administration, all my just debts, and all estate, inheritance, succession, transfer or other taxes that by law may be levied against me or my estate by either the Federal Government, the Government of any State, or by any political subdivision of any State.

#### ITEM XII

I direct that my Executors shall pay over to my son, Southgate Jones, Jr., as Trustee, or to the Depositors National Bank, as Trustee, in the event my son shall not be available to serve, the sum of Three Thousand Dollars in cash to be used in paying taxes, City and County, on the house located at the Southeast corner of Chapel Hill and Willard Streets in the City of Durham, so long as the house may remain in the family and this fund will suffice. Should the home be disposed of while there remains a balance in this fund, such balance shall be paid over to my wife, Nancy Green Jones. In the event my wife is not living at said time, then, and in that event, I direct that such balance be paid in equal shares to my five children: Southgate Jones, Jr., Thomas Decatur Jones, III, Nathaniel Edmund Jones, Nancy Southgate Jones and Lyell Koon Jones, or to the survivors, provided, however, that the issue of any deceased child shall take his or her parent's share of said fund.

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#### ITEM IV

I devise to my wife, Nancy Green Jones, for and during her life my home place located at the Southeast corner of Chapel Hill and Willard Streets in the City of Durham, and I devise the remainder in said home place, share and share alike, to my five children: Southgate Jones, Jr., Thomas Decatur Jones, III, Nathaniel Edmund Jones, Nancy Southgate Jones and Lyell Koon Jones, or to the survivor or survivors; provided, however, that the issue of any deceased child shall take him or her parent's share in said home place.

#### ITEM V

I devise to my wife, Nancy Green Jones, in fee simple, a one-fourth (1/4) undivided interest in and to the six (6) lots located in the City of Durham and bounded by Chapel Hill and Pettigrew Streets, Ashton Place and my home place. The said lots are shown on a plat entitled "Southgate Jones Property", which plat is now on file in the office of the Register of Deeds of Durham County in Plat Book 15, page 72.

I bequeath to my wife, Nancy Green Jones, three (3) shares of the Capital stock of the North Carolina Molybdenum Corporation.

#### ITEM VI

Certain heirlooms, articles of jewelry and of sentimental value I have presented to my children during my lifetime and they form no part of my estate. Most of these have been delivered to the children, place with their mother for safe-keeping or labelled with their names and initials "S.J.". Should any question be raised as to the disposition of any of said item or items, the question shall be submitted to my wife and surviving children or arbitrators and the conclusion so reached by them shall be final. If no decision is reached in that way, such item or items shall be considered as having been undisposed of and allotted in accordance with the provisions of Item Twenty (XX) of this instrument.

#### ITEM VII

I devise to my son, Southgate Jones, Jr., in fee simple, the following described real estate:

(a) A three-fourths (3/4) undivided interest in an 80 lots Nos. Four (4) and Five (5) situated at the corner of Pettigrew Street and Ashton Place in the City of Durham, and shown on plat of "Southgate Jones Property", which plat is on file in the office of the Register of Deeds of Durham County in Plat Book 15, page 72;

(b) My one-sixth (1/6) undivided interest in 600 or more acres at Cape Lookout, Carteret County, North Carolina, held in trust by R. E. Whitehurst, New Bern, North Carolina;

(c) My fee simple title to the land and three-fourth (3/4) interest in the mineral rights to the property known as the Phifer Gold Mine at Indian Trail, Union County, North Carolina, and also the water rights and mineral rights on property adjoining. For description of said land reference is made to deed from Farmstead Corporation to Southgate Jones, recorded in the Office of the Register of Deeds of Union County in Book 96, page 188.

(d) All of the unsold lots and acreages remaining at the time of my death and owned by me in the Josiah Atkins subdivision in Patterson Township, Durham County, as shown on plat recorded in the office of the Register of Deeds of Durham County in Plat Book 14, page 42, saving and excepting, however, lots numbers ten (10) to twenty-four (24), both inclusive, in Block C of said subdivision, and lot number sixty (60) in Block C, of said subdivision;

(e) A tract of land in Brunswick County, North Carolina, and lying about three miles Northwest of Southport, North Carolina, on Highway No. 130 and the Fort Caswell Highway, and containing approximately 550 acres, and being those certain lots, parcels or boundaries of land as shown on the subdivision made by J. W. Blanchard, Surveyors, and dated February 30, 1918, recorded in Book 34, page 159, to which reference is made to identify the same, and which are numbered as follows: - One (1), two (2), three (3), four (4), five (5) seven (7), eight (8), nine (9), fifteen (15), sixteen (16), seventeen (17), eighteen (18), and parts of ten (10) to fourteen (14), both inclusive, and being described in a deed from R. L. Lindsey and wife, Katie T. Lindsey, to Southgate Jones, and in a deed from R. L. Lindsey, Widower, to Southgate Jones, said deeds being registered in the Office of the Register of Deeds of Brunswick County, North Carolina, in Book 73, page 273, and in Book No. 81, page 283.

I bequeath to my said son, Southgate Jones, Jr., two (2) shares of the Capital Stock of the North Carolina Molybdenum Corporation.

#### ITEM VIII

I bequeath to my son, Southgate Jones, Jr., the following personal property: The bottle out of which General Johnson and Sherman drank a toast after the surrender at the Bennett Place, and the table that was in the room at the time; the letters and photographs of Charley Soon, noted Chinaman; the cradle and embroidered cradle quilt used in rearing my brothers and myself, all of the above items being on loan to the Library of Duke University; the tall epergne that was a bridal present to my Mother and that sits on the sideboard in our dining room; the oil portrait of James H. Southgate; the silver service, a gift from Father to my Mother, and the silver tray it sits on; a plated incinerator pitcher of his collection; the large Swiss music box which sits in our hall; my collection of Colonial, Confederate State and Bank notes; the family Bibles; the two volumes of sermons by Richard Southgate and the photostatic copy of his biography from his British Museum; Paul's History of Durham and one copy of Wheeler's History of North Carolina.

## ITEM IX

I devise to my son, Thomas Decatur Jones, III, in fee simple, the following described real estate:

(a) A three-fourths (3/4) undivided interest in and to the property at No. 301 Chapel Hill Street in the City of Durham, shown as Lot No. 1 on plat of "Southgate Jones Property", which plat is on file in the Office of the Register of Deeds of Durham County in Plat Book 15, page 72;

(b) The Eastern one-half (1/2) of my 70 acres in Orange County, North Carolina, known as the "Cabin Tract", said tract of land is described in deed registered in the Office of the Register of Deeds of Orange County in Book 107, page 97, with the request that he permit James Jackson, faithful negro servitor, to reside in the cabin located thereon, for the rest of his life, rent-free;

(c) Lots Nos. Ten (10) to Twenty-Four (24) both inclusive, in Block C, and Lot No. Sixty (60) in Block C, all of said lots being in the subdivision of the Josiah Atkins property in Patterson Township, Durham County, as shown on plat filed in the office of the Register of Deeds of Durham County in Plat Book 14, at page 48.

I bequeath to my said son, Thomas Decatur Jones, III, one (1) share of the Capital Stock of the North Carolina Molybdenum Corporation.

## ITEM X

I bequeath to my said son, Thomas Decatur Jones, III, the following personal property: My oil portraits of Decatur and Harriett Keen Jones, the Jones chest-of-drawers, and the sofa and two chairs upholstered in horse-hair, from Bachelors Hall, Virginia; the iron bench, iron chair and five iron vases that sit in our yard.

I also bequeath to my said son Thomas Decatur Jones III, the old coca cola bottle, hand rolled "Durham" cigarettes and ~~wine~~ wine bottle from the Bennett Place, the said property mentioned in this sentence is on loan to the Library of Duke University.

## ITEM XI

I devise to my son, Nathaniel Edmund Jones, in fee simple, the following described real estate:

(a) A three-fourths (3/4) undivided interest in and to the property known as No. 406 Ashton Place in the City of Durham, and shown as Lot No. 6 on plat of "Southgate Jones Property", which plat is on file in the Office of the Register of Deeds of Durham County in Plat Book 15, page 72;

(b) All of the lots in the Weeks and Smith addition to the City of Southport, which I may own at the time of my death, and for description of the lots originally purchased by me in said subdivision, see deed from R. L. Lindsey and wife, Katie T. Lindsey, to Southgate Jones, and a deed from R. L. Lindsey, Widower, to Southgate Jones, said deeds being registered in the Office of the Register of Deeds of Brunswick County, North Carolina in Book No. 75, page 273, and in Book No. 81, page 222;

(c) A tract of land in Goldmine Township, Franklin County, North Carolina, containing 136 acres, more or less, and known as the W. D. Fuller farm and being the same tract of land conveyed by Farmstead Corporation to Southgate Jones by deed registered in the Office of the Register of Deeds of Franklin County in Book 398, page 403.

I bequeath to my said son, Nathaniel Edmund Jones, One (1) share of the Capital Stock of the North Carolina Molybdenum Corporation.

## ITEM XII

I bequeath to my son, Nathaniel Edmund Jones, the following personal property: The collection of Indian relics, coral, shells and conch in our home; my collection of minerals; my collection of cut gems and native gold (in frames and phials); the Waltham watch that I have worn the greater part of my life; five rosewood straight chairs with plush seats; my pineapple carved chest-of-drawers; a plated ice-water pitcher, and one copy of Wheeler's History of North Carolina.

## ITEM XIII

I devise to my daughter, Nancy Southgate Jones, in fee simple, the following described real estate:

(a) A three-fourths (3/4) undivided interest in and to the property known as 405 Pettigrew Street in the City of Durham, and being lot No. 2 as shown on plat of "Southgate Jones Property", which plat is on file in the office of the Register of Deeds of Durham County in Plat Book 15, page 72.

(b) A tract of land in Nash County, North Carolina, containing 164 acres more or less, and known as the Bryce Little Property, and which was conveyed by North Carolina Joint Stock Land Bank to Southgate Jones by deed registered in the office of the Register of Deeds of Nash County in Book 455, page 550.

I bequeath to my daughter, Nancy Southgate Jones, one (1) share of the Capital Stock of the North Carolina Molybdenum Corporation, twenty seven and one-half (27 1/2) shares of the Mission Wagon Company common stock, such stock of the Durham Hosiery Mills as I may own at my death, any United States War Bonds that I may possess, and one hundred (100) shares of the Capital Stock of the Chesapeake Corporation of Virginia.

## ITEM XIV

I bequeath to my daughter, Nancy Southgate Jones, the following personal property and effects: Her bedroom suit of furniture from the Honors homestead at Bachelors Hall, Virginia; her choice of five pieces of other furniture not herein otherwise bequeathed, no piece of which, however, shall form part of a suit; her choice of a pair of bisque figurines; her choice of all family dresses, dress goods and laces; her choice of four vases; the plated silver fruit dish with sugar and cream stands and holders; all of my colored glass finger bowls, pitchers, decanters and other colored glass pieces; and her choice of one of my large swinging ice-water pitchers, and one clock.

## ITEM V

I devise to my son, Lyell Keen Jones, in fee simple, the following described real estate:

(a) A three-fourths (3/4) undivided interest in and to the property known as 405 Pettigrew Street in the City of Durham, and being lot No. 3 as shown on plat of "Southgate Jones Property" which plat is on file in the office of the Register of Deeds, Book 15, page 72

(b) The Western one-half (1/2) of my 70 acres in Orange County, North Carolina, known as the "Cabin Tract", said tract of land is described in deed registered in the office of Register of Deeds of Orange County in Book 107, page 97, together with the furnishings in the cabin located thereon.

I bequeath to my said son Lyell Keen Jones, one (1) share of the Capital Stock of the North Carolina Molybdenum Corporation.

## ITEM XVI

I bequeath to my son, Lyell Keen Jones, the following personal property: My collection of coins of all descriptions; my iron safe; all personal property formerly owned by his uncle, my brother Lyell Jones, including his sterling flat tableware; the large mahogany sideboard in our dining room, the large Earl American corner cupboard in our hall, six of the curly maple chairs; his bedroom furniture; his great-grandfather Southgates' staff and his choice of two walking canes.

## ITEM XVII

I bequeath to my five children named above the china painted by my mother, and I direct that it be divided equally among them.

## ITEM XVIII

There are on loan in the North Carolina Historical Commission in Raleigh a large number of dresses of previous generations of the family, embroideries, laces and paintings done by them and many other items of antiquity and interest, these items to be returned to me or to my heirs upon request. It is my will that such of these items as my children shall desire to own shall be divided between them and that those not desired by them and that are not selected within a period of ten years from the date of the probate of this instrument shall be left permanently with the Historical Commission in the name of Mattie Southgate Jones.

There are on loan in the Library of Duke University letters, documents, diaries, photographs and genealogical records relating to the Southgate, Jones and collateral families. It is my will that this material, together with such other similar material that remains at home, shall be studied carefully by my children and that such of it as they may wish to preserve in their own possession shall be delivered to them and such as they prefer not to keep themselves shall either remain with or be delivered to, as the case may be, the Duke University Library for its permanent possession, provided that it shall be made accessible at all times to members of my family or their designee or descendants.

## ITEM XIX

I will that the items or groups of items not disposed of herein above, consisting of furniture, silver, old and modern, the crystal and glassware, the bric-a-brac, books, paintings, photographs, daguerreotypes and other contents of the home and on loan to others, shall be distributed among my children by the process outlined in Paragraph Twenty (xx) below, provided that the effects shall remain in the home as the property of the selector so long as the home is maintained or until the selector moves into a home of his or her own, when he or she will have the right to remove his or her selections; and, provided further, that before the furniture is distributed such pieces as have heretofore formed parts of the suits with which the home was furnished originally shall be returned to such respective suits and each complete suit selected as one unit. It is my desire that this selection be effectuated



promptly following my death, and that each item be marked appropriately by the executor to indicate ownership. This provision is not intended to relate to bridal presents of my wife or to the objects brought by her to the home, whose property they are exclusively.

## ITEM XX

As to the distribution by selection of items and groups of items among my children as hereinbefore provided for, it is my will that there shall be present at gatherings for the purpose of making selections only my children and my wife, together with a representative or representatives of the executors, and that no wife or husband of one of the children shall be present, this provision being made so that each may select items which he or she values most from an associational or sentimental standpoint without the injection of intricate or ornamental considerations, and it is in no way intended as a reflection upon any son-in-law or daughter-in-law who may exist at the time distribution is made; provided, however, that if a child shall predecease me, leaving issue the surviving parent shall be permitted to represent such issue in making selections. I desire that as to each group or class of effects to be distributed there shall be a separate drawing for position by my surviving children. For example, when the furniture is to be distributed there shall be a fair method used to determine who shall have first, second, third, fourth and fifth choices in rotation, and similar determination shall be made with respect to silver, books, crystal, clocks, figurines, bric-a-brac, etc. After the selection have been made the Executors shall make a record and list showing the items selected by each of my children.

## ITEM XXI

The bequests made to my children herein shall apply only in the event each of said children, or his or her issue, shall survive me, and if any such bequests shall be nullified by the pre-decease of one or more of my children without issue the bequests shall be divided equally among my remaining children.

## ITEM XXII

After my executors have paid my funeral expenses, all expenses of administration, my just debts, and all estate and inheritance taxes as set out in Item II of this Will, and have paid the sum of Three Thousand (\$3,000.00) Dollars to the Trustee as provided for in Item III of this Will, and have delivered to the legatees the personal property and the stocks heretofore bequeathed, and if there shall then remain in my estate a residue, I direct my executors to pay from said residue the following sums in cash:

- (a) To Miss Margaret Perry, R. F. D., Bahama, North Carolina, the sum of Two Hundred and Fifty (\$250.00) Dollars;
- (b) To Miss Lula Ross, R. F. D., Rome Georgia, the sum of One Hundred (\$100.00) Dollars;
- (c) To my wife, Nancy Green Jones, as Trustee for Frances H. Green, Seven Hundred and Fifty (\$750.00) Dollars, to be held in trust by my said wife and distributed by her to Frances H. Green in monthly instalment, or in such amounts as may be necessary by reason of extraordinary demands, such as illness, or in such other ways as she may consider to be the best interest of the said Frances H. Green. In the event this trust fund for Frances H. Green should become effective, and all of said sum should not be used during her lifetime; then and in that event, any balance remaining in said trust fund at her death shall be paid to my wife, Nancy Green Jones, and said trust shall thereupon end and terminate; provided however, if my said wife should pre-decease the said Frances H. Green before the said trust fund has been fully expended, then and in that event, but only in that event, the amount then remaining in said trust fund shall be paid immediately to the said Frances H. Green and the said trust shall thereupon end and terminate.

Each bequest made in this Item XXII of my Will shall be paid only in the event the said legatee shall survive me.

After paying the bequests made in this Item XXII of my Will, if there shall then remain a balance in my residuary estate, I desire that an amount not exceeding Three Thousand (\$3000.00) Dollars be used in establishing Trinity Methodist Church, Durham, N. C. a suitable memorial for the five generations of the Southgate family who have been members of said Church. I should prefer that this memorial be in the form of a small set of chimes amplified electrically.

The rest and residue of my estate, both personal, real and mixed, I bequeath and devise in equal shares to my five children, or to the survivor or survivors of them; provided, however, that the issue of any deceased child shall take his or her parent's share.

## ITEM XXIII

After my executors have paid my funeral expenses, all expenses of administration, my just debts, and any estate and inheritance taxes and the specific requests mentioned in the various items of this Will other than Item XII and Item XXII, and if there shall not remain in my estate an amount sufficient to set up the trust fund for the payment of future taxes on the home place as provided for in Item III, then and in that event, the bequests made in Item XXII to Miss Margaret Perry, Miss Lula Ross and to Trinity Methodist Church shall be revoked and cancelled. However, the bequest to my wife as Trustee for

Frances H. Green shall remain in full force and effect and said bequest take priority over the trust fund for the payment of future taxes on my home place as provided for in Item III of this Will.

## ITEM XXIV

In the event my executors find it necessary to sell personal property and/or real estate to make assets for the payment of my obligations, expenses of administration and estate and inheritance taxes, I direct that sufficient cash assets be created by the sale of personal property in the following order:

- (a) The shares of stock in Farmstead Corporation;
- (b) The shares of stock in Chesapeake Corporation;
- (c) The shares of stock in Mission Wagon Company;
- (d) The shares of stock in the Durham Hosiery Mills;

and that the bequests made for any of said stock that may be sold be revoked and cancelled. In the event it is necessary to sell real estate to create sufficient assets to pay said obligations, then, and in that event, I direct that a sale be made of that portion of the Atkins property in Durham County which is devised to my son, Southgate Jones, Jr.

## ITEM XXV

I hereby constitute and appoint the Depositors National Bank of Durham, and my son, Southgate Jones, Jr., 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. I further direct that said executors serve without bond and that the Depositors National Bank of Durham be paid the sum of Five Hundred (\$500.00) Dollars for its services as Co-executor of my estate and that my son, Southgate Jones, Jr., serve without compensation and that no amount be paid to him for his services. In the event my son, Southgate Jones, Jr., shall not be available to serve as co-executor, or should renounce his right to qualify, then and in that event I constitute and appoint my wife, Nancy Green Jones, as co-executor, and direct that she serve without compensation and that no amount be paid to her for her services.

My soul I commit to God, acknowledging to Him my humble gratitude for the privileges of existence and my obligation for His mercies, without which I should have had but a miserable life. To Him I commend for His guidance and care the remaining members of my family, who will find through Him the only way of a happy and useful life.

IN WITNESS WHEREOF, I, the said Southgate Jones, have hereunto set my hand and seal and have written my name at the bottom of each of the foregoing eleven (11) pages.

This the 9th day of January, 1946.

Signed: Southgate Jones (SEAL)

SIGNED, SEALED, PUBLISHED AND DECLARED by the said Southgate Jones to be his last Will and Testament in the presence of us, who, at his request and in his presence, do subscribed our names as witnesses thereto.

Witnesses: Marshall T. Spears, Durham, N. C.  
Thelma H. McGranahan, Durham, N. C.

I, Southgate Jones, of the County and City of Durham, State of North Carolina, being of sound mind and disposing memory and mindful of the uncertainty of human existence, do make, publish and declare the following as and to be a codicil to my last Will and Testament which is dated January 9th, 1946, that is to say:

First: In sub-paragraph (c) of Item VII of my Last Will and Testament I devised to my son, Southgate Jones, Jr., a tract of land in Brunswick County, North Carolina, containing approximately 550 acres. As I have made and entered into contracts for the sale of part of said tract of land and may hereafter sell or make a contract or contracts for the sale of part of said tract of land, I now bequeath to my said son, Southgate Jones, Jr., any and all amounts that may be due me at the time of my death for balance of the purchase price for the sale of any part or all of said tract of land and evidenced by contracts of sale or promissory notes secured by deed of trust or deeds of trust.

Second: In sub-paragraph (b) of Item XI of my Last Will and Testament I devised to my son, Nathaniel Edmund Jones, all of the lots in the "Weeks and Smith Addition to the City of Southport" which I may own at the time of my death. As I have made and entered into contracts for the sale of some of said lots and may hereafter sell or make a contract or contracts for the sale of some of said lots, I now bequeath to my said son, Nathaniel Edmund Jones, any and all amounts that may be due me at the time of my death for balance of the purchase price for the sale of any or all of said lots and evidenced by contracts of sale or promissory notes secured by deed of trust or deeds of trust.

Third: Except as altered and changed by this Codicil, I hereby republish and confirm my said last Will and Testament dated January 9th, 1946.

IN WITNESS WHEREOF, I, the said Southgate Jones, have hereunto set my hand and seal this the 23rd day of August, 1946.

Signed: Southgate Jones (SEAL)

promptly following my death, and that each item be marked appropriately by the date to indicate ownership. This provision is not intended to relate to bequests made by my wife or to the objects brought by her to the home, whose property they are exclusively.

## ITEM XX

As to the distribution by selection of items and groups of items among my children as hereinbefore provided for, it is my will that there shall be present at gatherings for the purpose of making selections only my children and my wife, together with a representative or representatives of the Executors, and that no wife or husband of one of the children shall be present, this provision being made so that each may select items which he or she values most from an associational or sentimental standpoint without the infection of intricate or ornamental considerations, and it is in no way intended as a selection upon any son-in-law or daughter-in-law who may exist at the time the distribution is made; provided, however, that if a child shall predecease me, I desire that as to each group or class of effects to be distributed there shall be a separate drawing for position by my surviving children. For example, when the furniture is to be distributed there shall be a fair method used to determine who shall have the first, third, fourth and fifth choices in rotation, and similar determination shall be made with respect to silver, books, crystal, clocks, figurines, bric-a-brac, etc. When the method have been made the Executors shall make a record and list showing the items selected by each of my children.

## ITEM XXI

The bequests made to my children herein shall apply only in the event each of said children, or his or her issue, shall survive me, and if any such bequests shall be nullified by the pre-decease of one or more of my children without issue the bequests shall be divided equally among my remaining children.

## ITEM XXII

After my executors have paid my funeral expenses, all expenses of administration, my just debts, and all estate and inheritance taxes as set out in Item II of this Will, and have paid the sum of Three Thousand (\$3,000.00) Dollars to the Trustee as provided for in Item III of this Will, and have delivered to the legatees the personal property and the stocks heretofore bequeathed, and if there shall then remain in my estate a residue, I direct my executors to pay from said residue the following sums in cash:

(a) To Miss Margaret Perry, R. F. D., Bahama, North Carolina, the sum of Two Hundred and Fifty (\$250.00) Dollars:

(b) To Miss Lula Ross, R. F. D., Rome Georgia, the sum of One Hundred (\$100.00) Dollars:

(c) To my wife, Nancy Green Jones, as Trustee for Frances H. Green, Seven Hundred and Fifty (\$750.00) Dollars, to be held in trust by my said wife and distributed by her to Frances H. Green in monthly installment, or in such amounts as may be necessary by reason of extraordinary demands, such as illness, or in such other ways as she may consider to be the best interest of the said Frances H. Green. In the event this trust fund for Frances H. Green should become effective and all of said sum should not be used during her lifetime; then and in that event, any balance remaining in said trust fund at her death shall be paid to my wife, Nancy Green Jones, and said trust shall thereupon end and terminate; provided however, if my said wife should pre-decease the said Frances H. Green before the said trust fund has been fully expended, then and in that event, but only in that event, the amount then remaining in said trust fund shall be paid immediately to the said Frances H. Green and the said trust shall thereupon end and terminate.

Each bequest made in this Item XXII of my Will shall be paid only in the event the said legatee shall survive me.

After paying the bequests made in this Item XXII of my Will, if there shall then remain a balance in my residuary estate, I desire that an amount not exceeding Three Thousand (\$3000.00) Dollars be used in establishing Trinity Methodist Church, Durham, N. C. a suitable memorial for the five generations of the Southgate family who have been members of said Church. I should prefer that this memorial be in the form of a small set of plates simplified electrically.

The rest and residue of my estate, both personal, real and mixed, I devise in equal shares to my five children, or to the survivor or survivors of them; provided, however, that the issue of any deceased child shall take all or his share.

## ITEM XXIII

After my executors have paid my funeral expenses, all expenses of administration, my just debts, and any estate and inheritance taxes and the specific bequests in the various items of this Will other than Item XII and Item XIII, and have paid out of my estate an amount sufficient to set up a home place for my children, and future taxes on the home place as provided for in Item III, then the bequests made in Item XXII to Miss Margaret Perry, Miss Lula Ross, and the bequest to the Church shall be revoked and cancelled. However, the bequest to the Church shall be

No 623

Frances H. Green shall remain in full force and effect. IN THE SUPERIOR COURT  
STATE OF NORTH CAROLINA the payment of future taxes on the home place  
in Item III of this Will.  
BRUNSWICK COUNTY

BEFORE THE CLERK

A paper-writing purporting to be the last Will and Testament of James M. Raftery deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said county, by Carrie A. Raftery, the executrix therein mentioned, and due execution thereof by the said James M. Raftery is proved by the oath and examination of Joan Mincy and W. K. Rhodes, Jr., the subscribing witnesses thereto, who being duly sworn do depose and say, and each for himself depose and saith, that he is a subscribing witness to the said Will, and having now shown him, purporting to be the last Will and Testament of James M. Raftery, that the said James M. Raftery, 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 26 day of August, 1946.

And the Deponent further saith, That the said James M. Raftery the testator aforesaid, did, at the time of subscribing his name as aforesaid, declare the said paper writing so subscribed by him and exhibited to be his last Will and Testament and these deponents did thereupon subscribe their names 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 his name to the said last Will as aforesaid, and at the time of the deponent's subscribing their names as attesting witness thereto, as aforesaid, the said James M. Raftery 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.

Several sworn and subscribed this 8th day of September, 1949 before me.

Joan Mincy  
W. K. Rhodes, Jr.

Without me, P. J. Holden that no account be paid to the Southgate Asst. Clerk Superior Court right to be given and in that event a receipt as aforesaid, I direct that she serve without

STATE OF NORTH CAROLINA

IN THE SUPERIOR COURT

BRUNSWICK COUNTY commit to God, acknowledging to His honor that I, the said James M. Raftery, do hereby acknowledge my obligation for His honor, and I hereby declare that the said paper-writing is the last Will and Testament of James M. Raftery deceased, and every part thereof is the last Will and Testament of James M. Raftery deceased, and the same, with the foregoing examination and this certificate, are ordered, to be recorded and filed.

This 8th day of September, 1949.  
the 15th day of January, 1949.

B. J. Holden  
Asst. Clerk of Superior Court

Signed: B. J. Holden

STATE OF NORTH CAROLINA I, the undersigned, Clerk of the Superior Court for said county, do hereby certify that the said paper-writing is the last Will and Testament of James M. Raftery deceased, and every part thereof is the last Will and Testament of James M. Raftery deceased, and the same, with the foregoing examination and this certificate, are ordered, to be recorded and filed.

Witnesses:

LAST WILL AND TESTAMENT OF JAMES M. RAFTERY

I, James M. Raftery, of the County of New Hanover, and State of North Carolina, being of sound mind and disposing memory, and being free from duress, fraud, or undue influence of any person or persons, but considering the uncertainty of my earthly existence, and desiring to dispose of all my earthly affairs while in sound mind and strength, do hereby make, publish and declare this to be my last Will and Testament, hereby revoking any and all other wills testamentary by me made, and establish this, and this only as my last Will:

First: I hereby nominate and appoint my beloved wife, Carrie A. Raftery, executrix of my last Will and Testament, and request that she serve without bond.

Second: I direct that my body be buried in accordance with the custom of my faith, and that a suitable marker be erected at my grave, the design and cost of which I leave to the discretion of my said executrix.

Third: I hereby direct my said executrix to pay all my funeral expenses and just debts out of the first moneys which may come into her hands belonging to my estate.

Fourth: I hereby give and bequeath unto my beloved wife, Carrie A. Raftery, all of my personal, real and mixed property of every kind and wherever situated, including my right, title and interest that I have or may have at my death in any type of business, with the exception of Five Hundred (\$500.00) Dollars, to her in fee simple.

And I hereby give and bequeath unto my said wife, Carrie A. Raftery, shall have full and complete power, to the end that my said wife, Carrie A. Raftery, may dispose of the same as she may deem fit.

Fifth: I hereby give and bequeath the sum of One Hundred (\$100.00) Dollars each to each of my five children, Bernard G. Raftery, William E. Raftery, Olivia Raftery Turner and all my said property after my death for whatever disposition she may deem fit.

Sixth: I hereby give and bequeath the sum of One Hundred (\$100.00) Dollars each to each of my five children, Bernard G. Raftery, William E. Raftery, Olivia Raftery Turner and all my said property after my death for whatever disposition she may deem fit.

IN WITNESS WHEREOF I, the said James M. Raftery, do hereby set my hand and seal this 8th day of August, 1946.

James M. Raftery (SEAL)

IN WITNESS WHEREOF, I, the said James M. Raftery, do hereby set my hand and seal this 23rd day of August, 1946.