

No.441

STATE OF NORTH CAROLINA
NEW HANOVER COUNTY

IN THE NAME OF GOD, AMEN, I, W. J. Davis, of the City of Wilmington, County of New Hanover and the State of North Carolina, being of sound mind and disposing memory, and feeling the uncertainty of my earthly existence, do make, publish and declare this to be my last Will and Testament, in manner and form following; that is to say:

FIRST: It is my will and desire that my Executrix hereinafter named, shall provide for my body a decent burial, suitable to the wishes of my friends and relatives, and to pay all of my funeral expenses, together with my just debts, to whomsoever owing, out of the first money or moneys that may come into her hands, as a part or parcel of my estate.

SECOND: I give, devise and bequeath unto my beloved wife, Amanda D. Davis, all of my personal, property, of every nature, kind and description and wheresoever the same may be situate, absolutely and in fee simple; and I give, devise and bequeath unto my beloved wife, Amanda D. Davis, all of the real estate owned by me at my death situate in the County of New Hanover and the State of North Carolina, absolutely and in fee simple.

THIRD: It is my will and desire that immediately after my death, or as soon thereafter as is practicable, and in the opinion of my Executrix a fair price can be obtained for the lands owned by me in Brunswick County, that my Executrix shall sell the said lands and premises lying and being in Brunswick County, and pay off and discharge all of my just debts, to whomsoever owing, from the money received from sale, and after my just debts have been paid, out of the money received from the sale of said lands and premises in Brunswick County by my said Executrix, I direct that the residue therefrom be deposited equally, one-half in the Wilmington Savings and Trust Company, and one-half in the Peoples Savings Bank, both of the City of Wilmington, North Carolina, each bank in which said sum is deposited shall place the same on interest at 4 per cent, compounded quarterly, and each bank out of the funds deposited, shall pay to my wife the sum of \$50.00 a month, it being my will and desire that my wife shall draw from this fund the sum of \$100.00 a month, and each bank shall pay to my wife the sum of Fifty (\$50.00) Dollars a month, whether the amount deposited yields in interest \$50.00 a month or not.

It is my will and desire that at any time that my said wife shall be satisfied of the insolvency of either of the banks herein referred to, that then and in that event she shall make known her information to the Clerk of the Superior Court of New Hanover County who shall give to her a certificate that such information has been imparted to him by my said Executrix and upon the presentation of said certificate to the bank against which rumors have been, or, are being circulated, said bank shall immediately pay over to my said Executrix the sum so deposited; and after said sum has been drawn, then my said wife is directed to re-deposit the same in a solvent Banking institution, under the same condition and terms as the said sum was deposited in the Bank or Banks from which it was withdrawn.

FOURTH: It is my will and desire that after the death of my wife, that whatever sum of money remains from sale of the land in Brunswick County, and deposited in said banks, shall be divided between my two children, in such proportions as my said wife may direct.

FIFTH: I hereby nominate, constitute and appoint my beloved wife, Amanda D. Davis, my true and lawful executrix, under this, my last will and Testament, to carry out the true intent and meaning hereof, hereby revoking and declaring utterly null and void any and all other wills heretofore made by me.

SIXTH: Given under my hand and seal, this the 9th day of August, A. D., 1926.

(S) W. J. Davis

Signed, sealed, published and declared to be the last Will and Testament of W.J. Davis, who, in his presence, and in the presence of each other, and at his request, we hereunto subscribed our names as witnesses thereto.

(S) M. G. Saunders

(S) R. P. McClammy.

NORTH CAROLINA
NEW HANOVER COUNTY

IN THE SUPERIOR COURT
BEFORE THE CLERK

A paper writing purporting to be the last Will and Testament of W. J. Davis; Deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County by Amanda D. Davis, the Executrix therein mentioned, and the due execution thereof by the said W. J. Davis is proved by the oath and examination of M. G. Saunders and R. P. McClammy, the subscribing witnesses thereto, who, being duly sworn, do depose and say, and each for himself depose and saith, that he is subscribing witness to the paper writing now shown him, purporting to be the last Will and Testament of W. J. Davis in the presence of this deponent, subscribed his name at the end of said paper writing now shown as aforesaid, and which bears date of the 9th day of August, 1926.

And the deponent further saith that the said W. J. Davis, the testator aforesaid, did, at the time of subscribing his name aforesaid, declare the said paper writing so subscribed by him and exhibited to be his last Will and Testament, and this 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 the 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 attesting witness thereto, as aforesaid, the said W. J. Davis 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.

M. G. Saunders

R. P. McClammy.

Severally sworn and subscribed, this 30th day of June, 1928, before me.

(S) W. N. Harriss.

Clerk Superior Court/

STATE OF NORTH CAROLINA
NEW HANOVER 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 W. J. Davis, deceased, and the same, with the foregoing examination and this certificate, are ordered to be recorded and filed.

This the 30th day of June, A. D., 1928.

(S) W. N. Harriss

Clerk Superior Court

STATE OF NORTH CAROLINA
NEW HANOVER COUNTY

This is to certify that the foregoing is a true, accurate and perfect copy of the last Will and Testament of W. J. Davis, deceased, together with the probate of the said Will upon the examination of the subscribing witness and the judgment ordering said Will to be recorded and filed in the office of the Clerk of the Superior Court on New Hanover County.

Given under my hand and seal, this the 24th, day of May, A.D., 1932.

(C. S. C. SEAL)

W. N. Harriss (SEAL)
Clerk Superior Court New Hanover County.

Filed in this Court, this 26th day of May - 1932
W. N. Harriss