

No. 647

STATE OF NORTH CAROLINA
BRUNSWICK COUNTYIN THE SUPERIOR COURT
BEFORE THE CLERK

A paper writing purporting to be the last will and testament of W. E. Doshier, deceased, is exhibited before me, the undersigned, clerk of the Superior Court for said county, by Mrs. Nellie Doshier the executrix therein mentioned, and the due execution thereof by the said W. E. Doshier is proved by the oath and examination of Prince O'Brien and Martha B. Willis 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 paper writing now shown him, purporting to be the last will and testament of W. E. Doshier; that the said W. E. Doshier, 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 29th day of February, 1944.

And the deponent further saith that the said W. E. Doshier 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 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. E. Doshier 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.

Prince O'Brien
Martha B. Willis

Severally sworn and subscribed, this 8 day of January, 1951, before me.

S. T. Bennett
Clerk Superior Court

NORTH CAROLINA
BRUNSWICK 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. E. Doshier deceased and the same, with the foregoing examination and this certificate, are ordered to be recorded and filed.

This 8 day of January, 1951.

S. T. Bennett
Clerk Superior Court

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

In The Name of God, Amen

I, W. E. Doshier of the County of Brunswick in the State of North Carolina, being of sound and disposing mind and memory, but considering the uncertainty of this my earthly existence, do make, publish and declare this to be my last will and testament, in manner and form following and none other, that is to say:-

Item One. My executrix hereinafter named shall give my body a decent burial according to the wishes and desires of my friends and relatives and pay all funeral expenses together with all my just debts out of the first moneys coming into her hands and belonging to my estate.

Item Two. I give, devise and bequeath unto my beloved wife, Nellie Doshier, all of my property, real, personal and mixed, and of whatsoever kind and nature and whatsoever situate to do with as she pleases and in fee-simple, forever.

Item Three: I do hereby appoint my beloved wife, Nellie Doshier as executrix of this my last will and testament, she to serve without bond, to carry out the provisions of the same, according to its true intent and meaning, hereby revoking and declaring utterly void all other wills heretofore made by me.

In Testimony Whereof, I said W. E. Doshier, have hereunto set my hand and seal, this the 29th day of February, 1944.

W. E. Doshier (SEAL)

Signed, sealed, published and declared by W. E. Doshier, to be his last will and testament in the presence of us, who at his request and in his presence and in the presence of each other, do subscribed our names as witnesses thereto.

Prince O'Brien, Witness
Martha B. Willis, Witness

LAST WILL AND TESTAMENT
OF
WILLIAM ASBURY ROURK

I, WILLIAM ASBURY ROURK, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my last Will and Testament, hereby revoking all other wills and codicils by me at any time heretofore made.

FIRST: I direct that my funeral expenses and just debts be paid as soon after my decease as may be conveniently done.

SECOND: All the rest, residue and remainder of my property and estate, I give, devise, and bequeath, absolutely, to my wife, GERTRUDE McDONALD ROURK and I hereby nominate, constitute and appoint her sole Executrix of this my last Will and Testament and I direct that she shall not be required to give any bond or security for the faithful performance of her duties, or make any accounting to any Court, as such Executrix.

THIRD: In the event, however, that my said wife shall predecease me, or that she and I shall die in, or as the result of, a common disaster, I direct that all the said rest, residue and remainder of my property and estate, after the payment of my just debts and funeral expenses, shall be divided into as many equal shares as I shall have children of mine surviving me and I give, devise and bequeath each of such equal shares to my Trustee, hereinafter named, IN TRUST NEVERTHELESS, to hold one such share in a separate trust for each surviving child of mine, and to invest and reinvest the same and keep the same invested and to collect and receive the rents, interest, income and profits thereon, hereinafter together referred to as the "income", and to pay the net income from each such separate share, quarterly, to the Guardian hereinafter named, of my said children, for the use, maintenance and education of each such child, respectively, for whom such share is held, until such child shall attain the age of twenty-one years. Whereupon, the principal of such share held for such child, as it shall then consist, and all surplus income accrued thereon and not then expended, shall be paid to such child attaining the age of twenty-one years, free of all trust. Upon the request of the Guardian, hereinafter named, I hereby authorize and direct my said Trustee to pay over to the said Guardian out of the principal and accrued income of each such separate share, a sum not exceeding one thousand dollars annually for the use and education of such child for whom such share is held, while, and so long as, such child shall be attending a College or a University and shall not have attained the age of twenty-one years. In the event, however, that any such child of mine shall die before attaining the age of twenty-one years, I direct that the principal of such share, held for such child, as it shall then consist, and all the surplus income accrued thereon and not then expended shall upon the death of such child, be and become the property of the then surviving child or children of mine, in equal shares and shall thereupon be distributed and paid to such surviving child or children equally and free of all trust.

FOURTH: In the event that my said wife shall predecease me, or that she and I shall die in, or as the result of, a common disaster, I nominate, constitute and appoint my friend, JAMES E. BRYAN, Executor of, and Trustee under, this, my Last Will and Testament, and said Guardian of the persons and the properties of my children, during their respective minorities, and I direct that he shall not be required to give any bond or security for the faithful discharge of his duties as such Executor, Trustee or Guardian. I direct that any and all income and principal received by him as such Guardian shall be used for the sole use, maintenance and education of such children, respectively, during their respective minorities.

FIFTH: I authorize and empower my said Executor and Trustee to sell, or otherwise dispose of any or all of my property or estate, real or personal, at public or private sale, at such times and on such terms and conditions as he shall deem best or proper, and to execute, acknowledge and deliver, all conveyances, deeds, leases, writings and transfers thereof and to invest and reinvest in any stocks, bonds, securities, or other property or investments which in his judgment are safe and for the best interest of my estate.

SIXTH: Except as hereinabove set forth, I have made no provision, in this my Last Will and Testament, for any child or children of mine, because I am confident that my said wife, if she survives me, will provide for them and educate them to the best of her ability.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal this 18th day of June, 1942.

for William Asbury Rourk (SEAL)

Subscribed, sealed, published and declared by WILLIAM ASBURY ROURK, the above named Testator as and for his Last Will and Testament, in our presence, and we, at his request, in his presence and in the presence of each other have hereunto subscribed our names as attesting witnesses this 18th day of June, 1942.

Albert A. Springs
Edna C. Webb
Jason Ammons

residing at Myrtle Beach, S. C.
residing at Myrtle Beach, S. C.
residing at Myrtle Beach, S. C.

#648

STATE OF SOUTH CAROLINA

County of Horry

Ex Parte: Gertrude M. Rourk,

Petitioner

In Re Estate of William Asbury Rourk,
Deceased.IN THE PROBATE COURT
PETITION TO PROVE WILL IN COMMON
FORM OF LAW AND FOR LETTERS

To H. E. BLANTON Probate Judge for said County:

The petition of the undersigned respectfully represents:

1. That William Asbury Rourk, who last dwelt in Myrtle Beach in the County and State aforesaid, died testate on the 13th day of May in the year of our Lord one thousand nine hundred and 48 possessed of goods and estate to be administered.

2. That said deceased left a will, bearing date 18th day of June, 1942 and --- dedicil, bearing date -- day of --, herewith presented. Your petitioner applies for letters Testamentary for the reason petitioner is Executrix under said Will.

3. That under and by virtue of the terms of the will of the said testator the following beneficiaries therein named as legatees or devisees, whose names, ages, residence and relationship to the deceased appear below:

(Show all legatees and devisees by division into family groups. Bracket off each group and show opposite each bracket the name of the predeceased legatee or devisee through whom they take.)

Name	Age	Residence	Relationship to decedent
Gertrude M. Rourk	45	Myrtle Beach, S. C.	Wife

4. That the testator died seized and possessed of a personal estate of about the value of Twelve Thousand three hundred (\$12,300) dollars, consisting of the following moneys, goods and chattels:

(a) Cash on hand and in banks	\$ 2,600.00
(b) Moneys due testator on account of bonds, mortgages and other securities	-----
(c) Corporate and governmental bonds and stocks	3,500.00
(d) Open accounts due testator	3,000.00
(e) Goods, wares, merchandise, furniture, machinery and equipments used in profession, trade or business	1,500.00
(f) ----	
(g) ----	
(h) ----	
(i) ----	
(j) Automobiles, auto trucks, motorcycles, etc.	1,600.00
(k) ----	
(l) ----	
(m) Value of all other personal property not listed above	100.00

5. That the testator died seized and possessed of real estate of about the value of Forty five hundred (\$4,500.00) dollars, as follows:

No. of lots	Value of land	No. of bldgs.	Value of Bldgs.	Value of lots & bldgs.	Exact Location
2	\$3000	3	\$1500	\$4500	Lot 6 and 7, Block 33 Hotel Section, Myrtle Beach, S. C.

6. That the testator made transfers which may, upon investigation, be adjudged to have been in contemplation of death as follows:

None

7. That testator devised certain real property to the following named persons, a description of which property follows the name or names of the persons taking the same, the value of which property is set forth in paragraph 5 hereof:

See copy of Will attached

8. That testator bequeathed unto the following named persons legacies of the approximate value as set forth after the name of each legatee below:

See copy of Will attached.

WHEREFORE, your petitioner prays that said will and dedicil may be proved and allowed, in common form and Letters Testamentary issued to her June 8, 1948.

Gertrude M. Rourk /s/
Post Office Address Myrtle Beach, S. C.

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

PERSONALLY appeared Gertrude M. Rourk, who, being duly sworn, says that to the best of her knowledge, information and belief, the statements contained in the foregoing petition are true and complete.

Sworn to and subscribed before me, this 8 day of June, 1948.

/s/

G. W. Bryan
Notary Public for South Carolina

PROOF OF WILL

STATE OF SOUTH CAROLINA
Horry County

IN THE COURT OF PROBATE

BY H. E. Blanton, Esq. Judge of Probate for said County.

Personally appears Jason Ammons who, being duly sworn, says that he saw William Asbury Rourk sign, seal, publish and declare the annexed instrument of writing, bearing date the 18th day of June, A.D. 1942 to be and contain his Last Will and Testament; and that the said William Asbury Rourk was then of sound and disposing mind, memory and understanding, according to the best of deponent's knowledge and belief, and that the said Jason Ammons together with Albert A. Springs and Edna C. Webb at the request of the testator in his presence and in the presence of each other, witnesses the due execution thereof.

Jason Ammons /s/

Sworn to before me, this 8th day of June Anno Domini 1948.

(Seal)

H. E. Blanton /s/
Judge of Probate Horry Co., S. C.

ORDER ADMITTING WILL TO PROBATE IN COMMON FORM

On hearing the above Petition of Gertrude M. Rourk it is hereby ordered, adjudged and decreed, That the petition be granted and the said Last Will and Testament of William Asbury Rourk, deceased, be entered of Probate in Common Form

Given under my hand and the seal of the Court of Probate, this 8th day of June, 1948.

/s/ H. E. Blanton (Seal)
Judge of Court of Probate

QUALIFICATION EXECUTOR

STATE OF SOUTH CAROLINA
Horry County

I do solemnly swear that this writing contains the true last Will and Testament of William Asbury Rourk deceased, so far as I know and believe; and that I will well and truly execute the same, by paying first the debts, and then the legacies contained in the said Will, as far as his goods and chattels will thereunto extend and the law charge me, and that I will make a true and perfect inventory of all such goods and chattels: So help me God.

Gertrude M. Rourk /s/
Postoffice Address Myrtle Beach, S. C.

Sworn to before me this 8 day of
June Anno Domini 1948.

(Seal) H. E. Blanton /s/
Judge of Probate Horry Co., S. C.

THE STATE OF SOUTH CAROLINA
COUNTY OF HORRY

BY H. E. Blanton

Judge of Probate

To all whom these presents shall come-GREETING:

Know Ye, that on the 13th day of May which was in the year of our Lord one thousand nine hundred and Forty-eight the Last Will and Testament of William Asbury Rourk late of the County of Horry in this State, now deceased, was proved, approved and allowed of; the said deceased having whilst he lived, and at the time of his death, divers Goods, Rights and Credits within the State aforesaid, by means whereof the approbation and allowing of his Testament and the power of granting the administration of all and singular the Goods, Rights and Credits of the said deceased to me is manifestly known to belong, and that the administration of all and singular the Goods, Rights and Credits of the said deceased, and his Testament, any manner of my concerning, was granted and committed unto Gertrude M. Rourk named Executrix in the last Will and Testament; being first sworn on the Holy Evangelists of Almighty God well and faithfully to administer, and make a full and perfect inventory of all and singular the Goods, Rights, and Credits of the said deceased, and to exhibit the same into the Judge of Probate's Office, in Conway in order to be recorded, on or before the 8th day of July next ensuing; and to render a just and true account, calculation, and reckoning thereof, when thereunto required.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, the 8th day of June in the year of our Lord one thousand nine hundred and Forty-eight and in the 172nd year of American Independence.

H. E. BLANTON /s/ (SEAL)
Judge of Probate, Horry County.

THE STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN PROBATE COURT

BY THE HONORABLE H. E. BLANTON JUDGE OR PROBATE
for the County of Horry in the State aforesaid

To all to Whom These Presents Shall Come-GREETING:

WHEREAS, at the Aug. Term 1949 of the Court of Probate for Horry County, on the 20th day of June in the year of our Lord one thousand nine hundred and forty-nine the petition of Gertrude M. Rourk, Executrix on the estate of William Asbury Rourk deceased, late of Horry County in this State, was presented, setting forth that the duties of the said Executrix has been fully discharged and praying to be released from the same.

AND WHEREAS, the said Gertrude M. Rourk has complied with paragraph 213, Volume 1, of the Code of Procedure 1932, and published in conformity to law for at least one month, a Citation calling upon all persons concerned to show cause on or before the 22nd day of August, 1949, why said application should not be granted. And whereas, said Citation has been published in The Myrtle Beach News, a newspaper of said county, for the space of one month, and no cause being shown against said application, and it appearing from an examination of the situation of the affairs of the said estate that the petitioner has faithfully and honestly discharged the trust and confidence reposed in him.

NOW, KNOW ALL MEN BY THESE PRESENTS, That Gertrude M. Rourk is from henceforth and forever discharged and dismissed from all liability as Executrix as aforesaid

WITNESS, Honorable H. E. Blanton, Judge of Probate
Horry County, the 31st day of August in the year of our Lord one thousand nine hundred and forty-nine

/s/ H. E. Blanton (L.S.)
Judge of Probate

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

C E R T I F I C A T E

I, H. E. Blanton, Judge of the Probate Court for Horry County, State of South Carolina, do hereby certify that the foregoing annexed Seven (7) sheets constitute a true and correct copy of the Last Will and Testament of W. A. Rourk, Jr., and the probate proceedings connected therewith, the same being taken from and compared with the originals on file in this office, as Estate No. 11, Bundle No. 139.

AND I FURTHER CERTIFY that this Court is a court of independent jurisdiction and is not under the jurisdiction of the Court of Common Pleas, and I have jurisdiction in probate matters and sole custody of the records of probate proceedings.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, and the seal of this Court, this 28th day of February, 1951.

H. E. Blanton (SEAL)
Judge of Probate, Probate Court,
Horry County, South Carolina.

(SEAL)

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

IN THE SUPERIOR COURT

IN THE MATTER OF THE WILL OF
WILLIAM ASBURY ROURK, DECEASED

O R D E R

It appearing to the satisfaction of the Court from the duly exemplified record herein-after mentioned, that the last will and testament of William Asbury Rourk, deceased, a citizen of Horry County, South Carolina, has been duly proved and allowed in the proper court of probate of said county and state according to the laws of said state, and it further appearing that the said William Asbury Rourk left property in the County of Brunswick, State of North Carolina.

And it further appearing from the exemplification of said will and its probate now exhibited before me, duly certified and authenticated, that said will was executed and the same has been probated according to the laws of the State of North Carolina, it is therefore,

ORDERED AND ADJUDGED that the said will, with the probate thereof, and the duly certified exemplification of the same be allowed, and the same together with this certificate is ordered recorded and filed in this court.

This the 5 day of March, 1951.

B. J. Helden
Asst. Clerk Superior Court

No. 649

HARNETT COUNTY

IN THE MATTER OF THE WILL OF
ALVIS G. STEWART

) Before IN THE SUPERIOR COURT
ROBERT B. MORGAN
Clerk Superior Court

Althea Byrd Stewart, being duly sworn, doth say:

That Alvis G. Stewart, late of said county, is dead, having first made and published his Last Will and Testament; and that Althea Byrd Stewart is the executor named therein.

Further, that the property of the said Alvis G. Stewart consisting of real and personal is worth about \$5000, so far as can be ascertained at the date of this application, and that Althea Byrd Stewart, A. G. Stewart, Jr., and Eugene Stewart are the parties entitled under said will to the said property.

Sworn to and subscribed before me, this 31
day of January, 1951.

Althea Byrd Stewart

Robert B. Morgan
Clerk Superior Court

WILL OF ALVIS G. STEWART

I, Alvis G. Stewart, usually known as A. G. Stewart, of Harnett County, North Carolina, do hereby revoke all wills and codicils heretofore made by me, and do hereby publish and declare this my last will and testament in manner and form as follows:

1. My wife, Althea Byrd Stewart, and I now have a usual principal place of abode in the town of Bunnlevel, North Carolina. This property is owned by us as tenants by the entirety, and will therefore become her sole property if she survives me. If at the time of my death I own any interest in the said principal place of abode and if my said wife survives me, then I devise such interest to my said wife. If my said wife survives me, I direct my executor to pay off and discharge any mortgage or other encumbrance or lien upon all the interest or interests in the said principal place of abode, and to pay any interest which is due or may become due thereon.

If it should become necessary for my executor to pay off any encumbrance upon the said principal place of abode, under the next preceding paragraph, I direct that he shall apply such monies as I may have in any bank at my death to such encumbrances.

If after my bank account or accounts have been exhausted and there still remains any encumbrances upon the said principal place of abode, I direct that my executor shall have power to sell and shall sell as many of the lots which I may own in Holden's Beach, Brunswick County, North Carolina, as may be required to pay off the said incumbrances.

No payments so made under the above paragraphs shall be charged to my said wife, as I desire that she take said property free and clear of all encumbrances.

2. I will and devise all of my lots located in Holden's Beach, Brunswick County, North Carolina, which is not necessary to carry out the preceding item of this will, to my wife, Althea and two sons, A. G. Stewart, Jr., and Eugene Stewart in equal shares.

3. My son, Eugene Stewart, and I are now operating a gravel pit in Lillington township, located just off highway 15-A about three and one-half miles south of the town of Lillington, North Carolina. My son Eugene is the owner of one-fourth interest in said business and I own the remaining three-fourths interest. I hereby will, devise, and bequeath unto my wife, Althea, and two sons A. G. Stewart, Jr., and Eugene Stewart, in equal shares, all of my right, title, and interest in and to said business, together with all right, title, and interest in and to all property, both real and personal, belonging to and used in said business.

Alvis G. Stewart

4. I will, and bequeath any automobile I may own at the time of my death to my son Eugene Stewart absolutely and in fee simple.

5. I nominate as executor of this will my wife Althea Byrd Stewart. I request that no sureties on her bond as executor be required unless someone of my issue over the age of 21 shall, either at my death or any later time, request that she give bond with sureties.

6. I hereby authorize and direct my executor hereinafter named to pay all of my just debts and funeral expenses.

7. I will, devise and bequeath all of my property of every sort, kind, and description, both real and personal, which is left after carrying out the provisions herebefore listed, to such persons and in such proportions as would have received the same under the cannons of descent and statute of distribution of the State of North Carolina if I had died intestate.