

who being duly sworn depose & say, and each depose & say that each verily believes such will and every part thereof is in the handwriting of the said Stephen Lee whose name is in his own handwriting is subscribed thereto.

And the said James Hardy Lee further depose & say that the said will above mentioned was deposited in the hands of Eliza L. Lee wife of the said Stephen Lee for safe keeping.

E. J. Aston

W. R. Whitton

James Hardy Lee

Generally sworn & subscribed to before me this the 4th day of August A.D. 1879

E. W. Henderson

Notary Judge

State of North Carolina } In the Probate Court
Buncombe County } Aug 4th A.D. 1879

A paper writing purporting to be the last will & testament of Stephen Lee deceased is exhibited for probate by J. Miles Lee, James Hardy Lee & A. T. Cumming three of the executors therein named & the due execution thereof by the said Stephen Lee is proved by the oath and examination of E. J. Aston W. R. Whitton and James Hardy Lee who depose & say that every part of the said will is in the handwriting of the said Stephen Lee as per officious Dicta attached.

It is therefore considered by the court & is duly so certified that the said paper writing & every part thereof is the last will & testament of the said Stephen Lee, and the same is ordered to be recorded & filed together with this certificate.

And thereupon the said J. Miles Lee, James Hardy Lee & A. T. Cumming executors as aforesaid duly qualified as such by taking the oath required by law, and the said J. Miles Lee being a non resident of the County of Buncombe as required by law

We J. Miles Lee, James Hardy Lee & A. T. Cumming do each of us solemnly swear upon the Holy Evangelist of Almighty God that we will support the Constitution that we will support the Constitution & laws of the United States & of the State of North Carolina not inconsistent therewith & that we will discharge the duties of Executor of the will of Stephen Lee deceased according to law, to the best of our knowledge & ability.

J. Miles Lee

James Hardy Lee

A. T. Cumming

Sworn to & subscribed before me this the 4th day of Aug 1879

E. W. Henderson

Judge of Probate for
the County of Buncombe
North Carolina

State of North Carolina } In the Probate Court
Buncombe County }

In the Matter of the }
Last Will and Testament } Application by
of E. H. Cunningham } Executor to Probate Will.

A. T. Cumming respectfully sheweth to the Court that E. H. Cunningham died in this County on the 1 day of 1879 having first made and duly published a last will and testament, which is now shown to the Court, wherein he the said A. T. Cumming was appointed executor.

That the said E. H. Cunningham was a resident and domiciled in this County & State aforesaid, and the property which is devised and bequeathed in said will is, so far as the applicant is now advised all within said County.

That the personal property of the testator household and kitchen furniture saddle making tools &c valued at about One

hundreds Dollars, judgment debt and other debts valued at Five hundred Dollars

That the said real property, devised in said will is situated in the town of Asheville and is of the value of about Five thousand Dollars - That the said testator left surviving him the following children who are or may be interested in said will, viz: Malinda Henderson, Manerva Tatum, Mainstra Cunningham, Samuels, Martha, Lula, Francis, George, Williams, Eugene & Harriet Cunningham, Lafayette Cunningham

The above named children live in the State and in the State of Tennessee.

Whereupon the said A. T. Cumney prays that he may be allowed to prove said will and qualify as the executor thereof.

A. T. Cumney.

On this the 17th day of December 1879, personally appeared before me E. W. Neundorff Judge of Probate and Clerk of the Superior Court of Buncombe County, A. T. Cumney who being sworn says, that the facts set forth in the following application of his own knowledge are true and those stated on information he believes to be true -

E. W. Neundorff

Clerk & Judge of Probate

Will

I, E. H. Cunningham of the Town of Asheville in the State of North Carolina being of sound mind and memory but considering the uncertainty of my earthly existence do make and publish this my last will and testament, revoking and making void all other wills and testament by me at any time heretofore made.

I hereby constitute and appoint Melvin & Carter and Edwin Sluder executors of this my last will and testament and also A. T. Cumney.

Except the lands hereinafter mentioned to be sold for the purpose of paying my

funeral expenses debts &c, I give devise and bequeath to my beloved wife Jane Cunningham all my property both real and personal of my description of which I may die seized or possessed or to which I may be entitled at the time of my death. To have and to hold the same unto her for and during the term of her natural life.

3rd

I give and devise to my daughter Melinda Henderson the following lot of land except the life estate heretofore devised to my said wife situate in the said town of Asheville in said State, being a portion of the lot on which I now live bounded as follows: Beginning at a stake J. A. Fagg's North East corner, and running south with the line of said J. A. Fagg and T. W. Patton to a stake in A. W. Cummings' line said T. W. Patton's S. E. corner, then East with said Cummings' line 5 poles to a stake, then North to C. Clayton's line, then West with said Clayton's line five poles to the beginning containing one acre more or less.

To have and to hold the said lot of land except the said life estate unto the said Melinda Henderson and her heirs in fee simple forever.

4th

I give and devise to my daughters Minerva Tatum and Mainstra Cunningham as tenants in common the following lot of land except the life estate heretofore devised to my said wife, situate in said town and State being a portion of the lot on which I now live and being that portion part on which the dwelling house stands bounded as follows: Beginning at a stake in A. W. Cummings' line, South East corner of the lot heretofore devised to Melinda Henderson, and running East with said Cummings' line to the street leading from the public square to Camp Patton, then North with the line of said street - poles to a stake midway between the lines of A. W. Cummings and C. Clayton, then North to the line of the lot heretofore devised to

See will Book D. Page 465 for probate of this the original will of Enoch H. Cunningham.

1st

2nd

hundreds Dollars, judgment debt and other debts valued at Five hundred Dollars

That the said real property, devised in said will is situated in the town of Asheville and is of the value of about Five thousand Dollars - That the said Testator left surviving him the following children who are or may be interested in said will, viz: Malinda Henderson, Manerva Tatum, Mainstra Cunningham, Samuels, Martha, Lula, Francis, George, Williams, Eugene & Harriet Cunningham, Lafayette Cunningham

The above named children live in the State and in the State of Tennessee.

Whereupon the said A. T. Cumney prays that he may be allowed to prove said will and qualify as the executor thereof.

A. T. Cumney.

On this the 17th day of December 1879, personally appeared before me E. W. Neundorff Judge of Probate and Clerk of the Superior Court of Buncombe County, A. T. Cumney who being sworn says, that the facts set forth in the following application of his own knowledge are true and those stated on information he believes to be true -

E. W. Neundorff

Clerk & Judge of Probate

Will

I, E. H. Cunningham of the Town of Asheville in the State of North Carolina being of sound mind and memory but considering the uncertainty of my earthly existence do make and publish this my last will and testament, revoking and making void all other wills and testament by me at any time heretofore made.

I hereby constitute and appoint Melvin & Carter and Edwin Sluder executors of this my last will and testament and also A. T. Cumney.

Except the lands hereinafter mentioned to be sold for the purpose of paying my

funeral expenses debts, &c, I give devise and bequeath to my beloved wife Jane Cunningham all my property both real and personal of any description of which I may die seized or possessed or to which I may be entitled at the time of my death. To have and to hold the same unto her for and during the term of her natural life.

3rd

I give and devise to my daughter Melinda Henderson the following lot of land except the life estate heretofore devised to my said wife situate in the said Town of Asheville in said State, being a portion of the lot on which I now live bounded as follows: Beginning at a stake J. A. Fagg's North East corner, and running south with the line of said J. A. Fagg and T. W. Patton to a stake in A. W. Cummings' line said T. W. Patton's S. E. corner, then East with said Cummings' line 5 poles to a stake, then North to C. Clayton's line, then West with said Clayton's line five poles to the beginning containing one acre more or less.

To have and to hold the said lot of land except the said life estate unto the said Melinda Henderson and her heirs in fee simple forever.

4th

I give and devise to my daughters Minerva Tatum and Mainstra Cunningham as tenants in common the following lot of land except the life estate heretofore devised to my said wife, situate in said Town and State being a portion of the lot on which I now live and being that portion part on which the dwelling house stands bounded as follows: Beginning at a stake in A. W. Cummings' line, South East corner of the lot heretofore devised to Melinda Henderson, and running East with said Cummings' line to the street leading from the public square to Camp Patton, then North with the line of said street - poles to a stake midway between the lines of A. W. Cummings and C. Clayton, then North to the line of the lot heretofore devised to

See will Book D. Page 465 for probate of this the original will of Enoch H. Cunningham.

1st

2nd

Malinda Henderson, then south with the line of said lot to the beginning, containing two acres more or less.

To have and to hold the said lot of land with all its appurtenances unto the said Minerva Tatum and Marindra Cunningham their heirs and assigns forever, except the said life estate of my said wife. And in as much as the said Marindra is not at all times in her right mind I direct that the said lot of land be controlled by the said Minerva for the benefit of herself and her afflicted sister.

5th

I give and devise to my grandchildren Samuel, Martha, Lula, Francis, George, Williams, Eugene and Harriet Cunningham children of my son Solomon as tenants in common the following lot of land except the life estate of my wife situate in said town & state, being a portion of the lot on which I now live, bounded as follows: Beginning at a stake in the edge of the street leading from the public square to Camp Patton, midway between the lines of A. W. Cummings and C. Clayton, North East corner of the lot devised in item four and running North poles to C. Claytons line, then with said Clayton line West poles to a stake N. E. corner of the lot devised in item three, then south with the line of said lot to a stake midway between the lines of C. Clayton and A. W. Cummings North West corner of the lot devised in item four, then East with the line of the lot last mentioned to the beginning containing two acres more or less.

To have and to hold the said lot of land except the said life estate, unto the said, Samuel, Martha, Lula, Francis, George, Williams, Eugene and Harriet Cunningham their heirs and assigns forever.

6th

Subject to the charge hereinafter mentioned I give and devise to my son William B. Henderson

lot of land except the life estate hereinafter devised to my wife, situate in the said town & state bounded as follows: Beginning at a stake on the south side of the new street running in front of the Harris property eleven poles fifteen feet and nine inches from a stake at the corner of the street last above mentioned and the street leading from thence to Bearcreek Church and runs South 87° East 11 poles 15 feet and 9 inches to a stake at Spears line, then South 3° West 12 poles & ten feet with Spears line to a stake in said line, thence North 87° West 13 poles 4 feet & 6 in to a stake, thence North 9° East to beginning containing one acre more or less.

To have and to hold said lot of land subject to said charge except the said life estate unto the said Lafayette for and during the term of his natural life, and at the death of my said son Lafayette I direct that said lot subject to said charge shall go to his children and I do hereby devise the remainder after the life estates of my said wife and son in said lot subject to said charge to Sarah, Mary Ann, Jason, Mirra, & Ira Cunningham children of my said son Lafayette, It is further my desire that if any child or children should hereafter be born unto my said son Lafayette such child or children should share alike with those above mentioned in said remainder.

In the division of my property it has been my object to give each child or its legal representative property of the same value, and as the land herein devised to my son Lafayette & his children cannot conveniently be cut up into lots of smaller size, and as it is in my opinion worth two hundred dollars more than that devised to any other child, I direct that the said Lafayette within twelve months after the death of my said wife if she survives me, and if not then within twelve months after my death pay to my said executors to be divided among my heirs at law the said sum of two hundred dollars and that said sum is to be paid shall

constitute a lie or change upon said land, and if he fail to pay said sum within the time aforesaid then I authorize empower and direct my said executors to sell said land at public auction first giving reasonable notice, upon such terms as to the time of payment as they shall deem reasonable and just to all parties concerned and apply the proceeds of such sale to the discharge of said lien and the surplus if any to divide equally between the children of my said son Lafayette, and I further authorize and empower my said executors to make a few simple title to any one purchasing under the above provisions the said land.

7th I direct my said executors to sell at public or private sale as they may deem best at such time after my death as they may deem best the following lands, one lot in the said Town of Asheville on the said side South side of the Public Square adjoining lots of J. L. Henry & J. C. Reed and the Public Square in front and the alley in the rear also a small tract of land near said town on the road leading from said town to Col Lee's beginning at the top of the mountain below said Lee's & Asheville where the said road crosses said mountain and runs with the edge of said road to Sheltons line to the top of the mountain, then with the top of the mountain to the beginning and to apply the proceeds of such sale to the discharge of my funeral expenses and such debts as may be against me at my death and that the surplus if any shall constitute a general fund for distribution among my heirs. And I authorize and empower my said executors to make title to said land in as full and ample a manner I can to the same.

In witness whereof I have hereunto set my hand and seal this the first day of December 1874

E. H. Cunningham

Signed, sealed published and attested by the said E. H. Cunningham to his last will and

testament in the presence of us who in his presence and at his request subscribed our names as executors witnesses hereto.

The word "lot" erased third page, the word "Lee's" interlined on fourth page, the word "I" interlined on last page - the words "to the said" erased on last page - Before signing & sealing -

J. H. Williamson Sec
J. S. Adams
E. H. Cunningham

Codicil to the last Will & Testament of me E. H. Cunningham of Asheville N. C. bearing date the first day of December 1874.

Whereas in said will I devised all my real and personal property to my wife Jane Cunningham for life with remainder to persons therein named, and whereas my said wife has since departed this life, now it is my will that all the said property devised to her for life shall immediately after my death go to those to whom I devised the same in remainder after my wife's death, and whereas in said will I mentioned George Cunningham among his brothers & sisters as tenants in common of certain land in my will particularly described, and whereas the said George is now dead, therefore I direct that his part shall go to such of his brothers & sisters as may be living at my death as tenants in common, and whereas since the making of my said will, my grand daughter Sarah daughter of Lafayette Cunningham, has died, now it is my will that her brothers and sisters shall have the part of my estate intended for her as tenants in common and in case of the death of others of my grandchildren before my death I direct that the brothers and sisters of such as may die, shall take such deceased grand child's part and hold the same as tenants in common. And I hereby ratify and fully confirm my said will in all respects except as modified by this codicil. In testimony whereof I have hereunto set my hand and seal this the

Buncombe Co. NC Wills, Bk B 1868-1899

www.northcarolinawills.com

day of February 1878

E. H. Cunningham @

signed sealed, published and declared, by the said E. H. Cunningham to be a codicil to his last will and testament in the presence of us, who in his presence and in presence of each other, at his request subscribe our names as witnesses thereto, this the 19th day of February 1878

F. H. Hudes @

Daniel Vance @

A. L. Carter @

State of North Carolina

Buncombe County

Probate Court

A paper writing purpor-

ting to be the last will and testament of E. H. Cunningham deceased is exhibited before me the undersigned Judge of Probate for said County by A. T. Summey the executor therein mentioned and the due execution thereof by the said E. H. Cunningham by the oath and examination of F. H. Hudes and A. L. Carter the subscribing witnesses thereto, who being duly sworn doth depose and say, and each for himself depose and swear that he is a subscribing witness to the paper writing now shown him purporting to be the last will and testament of E. H. Cunningham, that the said E. H. Cunningham 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 19th day of February 1878

And the deponent further saith that the said E. H. Cunningham the testator aforesaid did at the time of subscribing his names as aforesaid declare the said paper writing as 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 assisting witness thereto, and at the request and in the presence of the said testator - And this deponent further saith that at the time when the said testator subscribed his name

to the said last will as aforesaid, and at the time of the deponents subscribing their names as assisting witnesses thereto as aforesaid the said E. H. Cunningham was of sound mind and memory, of full age to execute a will, and was not under any restraint to the knowledge or belief of this deponent.

And further these deponents say true.

F. H. Hudes @

A. L. Carter @

Sworn and subscribed
this the 17th day
of Dec 1879 before me

E. W. Henson

Probate Judge

State of North Carolina

Buncombe County

Probate Court

S. S. In Probate Court.

I, A. T. Summey do

solemnly swear, that I believe this writing to contain the last will and testament of E. H. Cunningham dead; and that I will well and truly execute the same by first paying his debts and then his legacies as far as the said estate shall extend or the law will charge upon me; and that I will well and faithfully execute the office of an executor agreeable to the trust and confidence reposed in me, and according to law, so help me God.

A. T. Summey

Sworn and subscribed

before me, this the 15th of

Dec 1879

E. W. Henson

Probate Judge

Ashericee W. C.

July the 14th 1879

To the Judge of Probate
for the County of Buncombe.

The undersigned
having been named as one of three
executors of the last will and testament
of E. H. Cunningham hereby renounces his office

as such executor. He takes this step because the other named in the said will as executor, Mr. A. J. Summey is entirely competent to discharge all the duties of the office.

E. Glaser
W. C. Carter

State of North Carolina
Buncombe County In the Probate Court.

A paper writing purporting to be the last will & testament of W. C. Renis dec'd, is exhibited before me the undersigned Judge of Probate for said County by R. V. Blackstock John & the due execution thereof by the said W. C. Renis by the oath & examination of William Bague & J. S. Woodson the subscribing witnesses thereto, who being duly sworn both say, and each for himself depose & swear that he is a subscribing witness to the paper writing now shown him purporting to be the last will & testament of W. C. Renis, that the said W. C. Renis 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 sixteenth day of September 1879. And the deponent further swears that he is a subscribing witness to the paper writing now shown him purporting to be the last will & testament of W. C. Renis, that the said W. C. Renis in the presence of this deponent subscribed his name at the end of said paper writing which is now shown as aforesaid & which bears date of the sixteenth day of September 1879.

And the deponent further swears that the said W. C. Renis the testator aforesaid died at the time of subscribing his name to the said paper writing as aforesaid, and that he is a subscribing witness to the said paper writing which is now shown as aforesaid & which bears date of the sixteenth day of September 1879.

subscribed his name at the end of said will as an attesting witness thereto, and in the presence of the said testator, and the deponent further swears that at the said time when the said testator subscribed his name to the said last will as aforesaid, and at the time of deponent subscribing his name as an attesting witness thereto, as aforesaid, the said W. C. Renis was of sound mind & memory of full age to execute a will, and was not under any restraint to the contrary, informing or belief of this deponent, and further these deponents say true.

W. Bague
J. S. Woodson

Several more & subscribed this 5th day of
May 1880. before me
E. J. Henderson
Probate Judge

Will

I, W. C. Renis of Buncombe County State of North Carolina by occupation a farmer make this my last will.

I give and bequeath my estate & property real & personal as follows, that is to say: One day born six years old, one third part of the tobacco crop raised on William Renis' place by William Renis & William Renis Jr., also one third part of the corn raised on said place by said William & William Renis, which crops are to be equally divided between the three parties each paying their equal part of the expenses for marketing the same except the third W. C. Renis is to pay two thirds of the price of them.

This property is to be sold to the best advantage & that to be decided by my executor and after my just and lawful debts are liquidated, the remainder put on interest in the hands of a good & responsible person and