

regularly probated and that the clerk of this court record the same in the will books of Cocke County and it further appearing that S. A. Burnett & S. J. Burnett were appointed Executors of said James M. Burnett and they appeared in open Court and were sworn as the law directs as execs of said will Witness my hand

W. H. Penland, Ck

State of Tennessee }
Cocke County

I W. H. Penland Clerk of the County Court of Cocke County do hereby certify that the foregoing is a full true and perfect copy of the last will and testament of James M. Burnett died as the same appears of record now on file in my office

Given under my hand and official seal July 12th 1880
W. H. Penland Ck

State of Tennessee

I James I. Rose Judge of the second judicial circuit of said state which includes the County of Cocke do hereby certify that W. H. Penland whose name is signed to the foregoing certificate is now and was at the time of signing the same clerk of the Court of said County and that his attestation is in due form and his signature genuine

Given under my hand the 16th day of May 1881

James I. Rose Judge
2nd Judicial Circuit
Tennessee

Buncombe County - In the Probate Court

41 In the matter of the Administration of the } Before
estate of Owen Smith } E. W. Harrison Probate Judge

Mrs. F. A. Smith being duly sworn oath says that Owen Smith late of said County is dead leaving a will & testament and that she is named as Executrix therein. Further that the value of said estate so far as can be ascertained at the date of this deposition is about \$10,000.00 and that Santa Smith Minnie Smith Frank Smith Owen Smith are minors without guardians and all reside in the County of Buncombe one entitled as heirs and devisees thereof

Fannie A. Smith

sworn and subscribed before me
this 5th day of July 1881

E. W. Harrison Probate Judge

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

Shaper Writing purporting to be the last Will and Testament of Owen Smith deceased, is exhibited before me the undersigned Judge of Probate for said County by Fannie A. Smith the Executrix therein mentioned and the due execution thereof by the said Fannie A. Smith by the oath & Examination of Mrs. F. A. & H. A. Webb the subscribing witnesses thereto: who being duly sworn, each 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 Owen Smith that the said Owen Smith 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 16th day of April 1881.

And the Deponent further saith that the said Owen Smith 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 at the request and in the presence of the said testator. And the 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 deposition subscribing his
name as an attesting witness thereto as aforesaid the
said Owen Smith was of sound mind and memory
of full age to execute a Will and was not under any
constraint to the knowledge, information or belief of
this Dependent. And further these deponents do not

Chas E Lee
H S Webb

severally sworn and subscribed this
5th day of July 1881 before me

E W Herndon

Notary Judge

This is the last Will and Testament of the Owen Smith
of Asheville in the State of North Carolina

I bequeath to my dear wife Fannie A Smith all my
household furniture plate linen glass china books pictures
books full household stores and provisions and other effects
of the like nature and the sum of Two thousand
(insurance from Knights & Farnam) Dollars out of the first
money which shall come into her hands as my executor
I give and devise to my said wife for life the house
and lot where I now reside in said town of Asheville
a girl and devise and bequeath unto my said wife all
the real and personal of my estate real personal &
mixed wherever situated in trust for my four
children, and I hereby authorize and empower her to
sell and dispose of any or all of said property
either at private or Public sale and to invest the
proceeds in such other property as she may deem
advisable and to change said investments when
and as often as in her opinion it may be best
for the interests of my said children, And I further
empower my said executor to make settlement
with my partners in business in the firm of Smith
Chetron & Co and to make such contract or contracts
with them or either of them as she may think best
for the interests of my estate And I further empower
my said executor to make all settlements necessary
to a complete winding up of all my affairs and
to make all such sales and contracts as may be

necessary to this end, I authorize my said executor to expend
such sums of money in the maintenance and education of my
said children as in his judgment may be necessary and I
hereby constitute her guardian of my said children.
I appoint my said wife Fannie A Smith executor of this my last
will and testament. In witness whereof I have hereunto
set my hand this 16th day of June A D 1881

Owen Smith

Signed by said Testator Owen Smith as and for his last
Will and Testament in the presence of us who at his request
and in his sight and presence and in the presence of each
other have subscribed our names as attesting witnesses

Chas E Lee

H S Webb

State of North Carolina } For the Probate Court
Buncombe County

I Fannie A Smith do solemnly swear that
I believe this writing to be and contain the last Will
& Testament of Owen Smith decedent, 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 me; and that I will well and faithfully execute the
office of an Executor agreeable to the trust reposed in me and
according to law so help me God -

Fannie A Smith

sworn and subscribed before me

this 5th day of July 1881

E W Herndon

Notary Judge