

one year or seven years
County of Greengill }
In the matter of the last will and Testament
of Mrs. Sarah Ann Croft, decd.
Exemplification. Exhibit "A."

Last Will and Testament of Sarah Ann Croft
I, Sarah Ann Croft, do hereby publish and
declare this as my last will and testament,
hereby revoking and annulling all wills
heretofore by me at any time made, except the
will to a house and lot in the state of New Jersey
to Joseph C. Cox, of date 17th September, 1892.
I give my diamonds and other jewelry to my
daughter, Eleanor for life remainder to her
children her surviving. If there be no such
children, the aforesaid diamonds and other
jewelry shall pass to my other children, or the
issue of such as are dead, leaving children,
and the aforesaid articles shall be delivered to
my daughter on her receipt and without exacting
security.

As respects the property conveyed to me by
Joseph C. Cox, my son, by deed, bearing date the
seventeenth day of September 1879 and recorded in
Luzerne County, Pennsylvania in Deed Book No.
249, page 242. I devise and appoint the same
to my hereinafter named trustee, their heirs
and assigns in trust to receive the income
and after paying taxes and all other expenses
incident to the management of the trust,
to pay over the net income as and when received,
but without power of anticipation to my son
Joseph C. Cox, during the term of his natural
life, but so that the same shall not be
liable to his debts, contracts or engagements, nor
to be attached or levied upon by his creditors.
Upon the death of my said son I devise
the said estate to such persons as would
be entitled to the same had he died seized
of an absolute estate in the property, but
unmarried. Provided that my said
son may appoint to his wife during her
widowhood such part of the

and profits of the estate as he may see fit, but
not exceeding the one third thereof.

The trustee as respects this estate shall have
the power of selling and leasing and giving
discharges for the purchase money, exchanging,
partitioning, agreeing as to covenants to be paid or
received, but no power shall be exercised where
there are other tenants in common of the estate,
unless a majority of such tenants shall at the
time same time dispose of their interests in
the property in the same manner as the
trustees acting under the power.

Any shares or interests in this property, orig-
inal or accrued, derived by any son or daughter
of mine shall be held upon the same trusts
and limitations as the shares in the residue
of my estate as hereinafter provided for.

I give and devise to my hereinafter named
trustees, and the survivor of them and the
heirs and assigns of such survivor, all
the real estate situate in the State of Penn-
sylvania, which was conveyed to me in
the month of January 1891 by Franklin
Cox, Junior, for the use
and purposes following, that is to say:
to receive the rents, issues and profits, and
after paying the taxes and charges and
all other expenses incident to the owner-
ship of the property, I direct the said
trustees shall first keep down the incum-
brances on the same out of the net rents,
issues and profits. Second: That they shall
apply at least One thousand dollars per
annum out of the said rents and prof-
its, to the reduction of the principal sum
due on said incumbrances, or set aside so
much till they have realized enough
to make a payment annually of One
thousand dollars on account of the same.
Third: They shall pay to my executors for the
use of my will, a sum which at five per
cent per annum, will be equal to the cost of
the land to me, and also including at cost,
any sum I may have paid in reduction

my daughter on her receipt and without exacting security.

As respects the property conveyed to me by Joseph C. Cox, my son, by deed, bearing date the eleventh day of September 1879 and recorded in Luzerne County, Pennsylvania in Deed Book No. 249, page 242. I devise and appoint the same to my hereinafter named trustees, their heirs and assigns in trust to receive the income and after paying taxes and all other expenses incident to the management of the trust, to pay over the net income as and when received, but without power of anticipation to my son Joseph C. Cox, during the term of his natural life, but so that the same shall not be liable to his debts, contracts or engagements, nor to be attached or levied upon by his creditors. Upon the death of my said son I devise the said estate to such persons as would be entitled to the same, had he died seized of an absolute estate in the property, but unnamed. Provided that my said son may appoint to his wife during her widowhood such portion of the rents

the said income in the state of Pennsylvania, which was conveyed to me in the month of January 1891 by Franklin Cox, Junior, Dr. Trust for the use and purposes following, that is to say: to receive the rents, issues and profits, and after paying the taxes and charges and all other expenses incident to the ownership of the property, I direct the said trustees shall first keep down the incumbrances on the same out of the net rents, issues and profits. Second: That they shall apply at least One thousand dollars per annum out of the said rents and profits, to the reduction of the principal sum due on said incumbrances, or set aside so much till they have realized enough to make a payment annually of One thousand dollars on account of the same. Third: They shall pay to my executors for the use of my will, a sum which at five per cent per annum, will be equal to the cost of the land to me, and also including at cost, any sum I may have paid in reduction of, or purchase of any incumbrances

on the same.

As I am advised it is quite possible under the present construction of the Act of Assembly of Pennsylvania, relating to trusts, for assigned portions whereby all such trusts are in fact prohibited, this provision for the payment of part of the income in reduction of the incumbrances may be unlawful, then and if that be so, I devise a sum equal to the interest on the incumbrances on the land, out of the said income to be paid to the executors of my estate

twenty one years of age, in equal share in fee simple, if there be more than one child, and if there be one child only, then the whole to such child, under and subject to the charges and incumbrances on the same then existing. They covenanteeing with the trustees and with the holders of the incumbrances to pay the same; and also subject to the payment of whatever sum or sums I, or my trustees, or any one claiming

reduction of the incumbrances. Fifth. The remaining income of the same is received, I direct that the said trustees shall pay to my son, Franklin Cox, Junior, during all the term of his natural life, but so that the same shall not be liable to his debts, contract or engagements, nor to be seized or taken in execution, or attached for any debts, judgments or decrees, due by or recovered or entered against him nor to be liable to be assigned, transferred, pledged, or mortgaged, or in any manner anticipated by him, or in their discretion to apply the said income to the maintenance of the said Franklin Cox, Junior, or his child or children. It being my desire to provide a maintenance for my son, which he shall not be able to put it in the power of any one to deprive him of, for the support of himself and family. And from and after the death of my said son, in trust to apply the net income of the said estate to the maintenance and education of any lawful issue of my son Franklin may have him surviving, until they shall attain the age of twenty one years.

Until the children of my said son shall, being males, attain twenty one years of age, or being females marry, no estate or interest under this will shall be deemed in them either in interest or possession.

Upon the death of my son Franklin Cox Junior, and subject to the foregoing provisions, I direct that the trustees under my will shall convey the said estate derived by me under the said deed, to any child or children of my said son when they shall all attain

of the rents and profits derived from the said estate in Pennsylvania; the said children joining in a mortgage to secure the same to my executors, on such terms as the trustees shall determine, as respects time of payment and the rate of interest to be paid. This mortgage shall form part of my residuary estate. Should my son Franklin Cox, Junior, die without having lawful issue ^{then living}, or should all the lawful issue of my son, being males die before they attain twenty one years of age, or being females, before they shall have married or attained twenty one years of age, then subject to the incumbrances on the property then remaining unpaid, I give and devise the said property to the persons entitled to my residuary estate under my will.

The residue of my estate, after paying my debts and funeral expenses, I direct to be divided into as many shares as I may have children me surviving, or children, who having died before me, shall have left issue living at the time of my death.

One of said shares I give to my trustees in trust to pay the net income to my son Joseph C. Cox during the term of his natural life, but so that the same cannot be anticipated or incumbered, nor be liable to his debts, contracts or engagements. Upon his death I devise said share and any accrued share to the persons who would

be entitled to the same for the same estate and upon the same trusts as if my

or without the state, in case of death, resignation

be entitled to the same for the same estates and upon the same trusts as if my son Joseph B. had died before me unmarried and without issue.

One of the said shares I give to the said trustee in trust to pay the net income to my son Franklin Cox during the term of his natural life, but so that the same cannot be anticipated or encumbered, nor be liable to his debts, contracts or engagements, upon his death I devise said share and any accrued share to the persons who would be entitled to the said property and for the same estates and upon the same trusts as if my son Franklin had died before me unmarried and without issue.

One other third, I devise to my said trustee in trust to pay the income of the property to my daughter Eleanor Mimmigerode as and when the same accrues and without the power of anticipation and free from all right of control over the same by her husband. Upon her death I devise the same to and among her children who survive her and attain twenty one years of age, or dying under that age have left children surviving, and the issue of such child or children of my daughter as may have died having issue, such issue taking the share of their parent would have taken if living. If there are no children or issue competent to take under the limitations of this will, I devise the capital or principal sum of said share and any accrued share to such persons as would have taken the same under the provisions of this will, and for the same estates and upon the same trusts as if my daughter Eleanor had died before me unmarried and without issue.

I appoint as executors of this my will, Franklin Cox, Senior, and Trench Cox, and I appoint as trustees of my will Franklin Cox, Jr. and Trench Cox, of the State of North Carolina.

The trustees shall have power until the share respectively, not absolutely in some person of full age, of investing, selling in, and changing investments. They may without incurring liability for so doing invest in

or without the state. In case of death, resignation or refusal to act, of a trustee, the other trustee acting under this will shall from time to time appoint one or more trustees in the place of the trustees dying, resigning or refusing to act, so that there shall always be two trustees at the least, acting under this will, I direct that no security shall be demanded of my executors before letters Testamentary are granted them on this Will. And I further give unto my Trustees on absolute power of sale over the whole of the estate given and devised to them under this will, so that they may sell the same, in their discretion and relieve the purchase money therefor, and give receipts therefor. And I further authorize and empower my Trustees to reduce in their discretion the incumbrances and mortgages, in whole or in part, which may exist upon and against the real estate situated in the State of Pennsylvania, which was conveyed to me in the month of January, 1891, by Franklin Cox, Junior.

In Witness whereof I have hereunto set my hand and seal this 17th day of April, A.D. one thousand eight hundred and ninety five.
(Signed) Sarah Ann Croft.
(Seal)

Signed, Sealed, published and declared by the testatrix as her last Will and Testament, in the presence of us, who at her request, in her presence and in the presence of each other, have hereunto subscribed our names as witnesses. J. C. Donaldson, Byron Holley, John A. Maxwell.

and any accrued share to the persons who would be entitled to the said property and for the same estates and upon the same trusts as if my son Franklin had died before me unmarried and without issue.

One other third, I devise to my said trustees in trust to pay the income of the property to my daughter Eleanor Mimmigerode as and when the same accrues and without the power of anticipation and free from all right of control over the same by her husband. Upon her death I devise the same to and among her children who survive her and attain twenty one years of age, or dying under that age have left children surviving, and the issue of such child or children of my daughter as may have died leaving issue, such issue taking the share of their parent would have taken if living. If there are no children or issue competent to take under the limitations of this will, I devise the capital or principal sum of said shares and any accrued share to such persons as would have taken the same under the provisions of this will, and for the same estates and upon the same trusts as if my daughter Eleanor had died before me unmarried and without issue.

I appoint as executors of this my will, Franklin Cox, Senior, and Trench Cox, and I appoint as trustees of my will Franklin Cox Sr. and Trench Cox, of the State of North Carolina.

The trustees shall have power until the chance respectively, vest absolutely in some person of full age, of investing, calling in, and changing investments. They may without incurring liability for so doing invest in railways and other similar securities within

power of sale over the whole of the estate given and devised to them under this will, so that they may sell the same, in their discretion and relieve the purchase money therefor, and give receipts therefor. And I further authorize and empower my Trustees to reduce, in their discretion, the incumbrances and mortgages, in whole or in part, which may exist upon and against the real estate situated in the State of Pennsylvania, which was conveyed to me in the month of January, 1891, by Franklin Cox Junior.

In witness whereof I have hereunto set my hand and seal this 17th day of April, A.D. one thousand eight hundred and ninety-five.

(Signed) Sarah Ann Cox
(Seal)

Signed, Sealed, published and declared by the testatrix as her last will and Testament, in the presence of us, who at her request, in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses. J. Q. Donaldson, Byron Holley, John H. Maxwell.

State of South Carolina,
Greenville County,
Petition To Prove Will } In The Court of Probate.

In the matter of the last will and testament of Mrs. Sarah A. Croft, deceased, Ex Parte Franklin Croft Finch & Coxe, Petitioners, to the Honorable John C. Bailey, Judge of the Court of Probate: The petition of Franklin Croft & Finch & Coxe, respectfully shews to the Court:
I. That Sarah A. Croft, late of said County and State, departed this life on the fourth day of May, 1896, seized and possessed in her own right, personal property of the probable value of Eleven thousand five hundred Dollars and real estate of the value of one thousand Dollars in said County and State.

II. That said deceased left of full force and effect a last will and Testament, duly executed in the presence of witnesses, which is herewith submitted.

III. That by said will and Testament, the Testatrix devised and bequeathed unto your petitioners, the said Franklin Croft and Finch & Coxe, her entire estate in said County and State, in trust for the use and benefit of her three children, Joseph C. Croft, Franklin Croft, Jr. and Mrs. Eleanor Mungerode.

IV. That by said will and Testament your Petitioners are appointed Executors and Trustees thereof.

Wherefore your Petitioners pray that said last Will and Testament, be admitted to Probate in Common Form, and that Letters Testamentary be issued thereunder. and your petitioners will ever pray to signed Franklin Croft, Finch & Coxe, Petitioners

On hearing the above Petition of Franklin Croft & Finch & Coxe, it is hereby ordered and decreed, That the petition be granted and the said last Will and Testament of Sarah A. Croft deceased, be entered of Probate in Common Form.

Given under my hand and seal of the Court of Probate, this ninth day of June 1896.
John C. Bailey,
Judge of Probate.

State of South Carolina } In the Court of Probate.
Greenville County }
By John C. Bailey, Judge of Probate:
Personally appeared before me Byron Holley, one of the subscribing witnesses to the foregoing instrument of writing, who made oath on the Holy Evangelists of Almighty God, that he saw Mrs. Sarah A. Croft, sign, seal, publish, pronounce and declare the same to be her last Will and Testament; that she was then of sound and disposing mind, memory and understanding, to the best of Deponents knowledge and belief; and Deponent, together with John St. Maxwell and F. Q. Donaldson signed their names thereto as witnesses at her request, in her presence and in the presence of each other.

Byron Holley.
Given under my hand this ninth day of June, in the year of our Lord one thousand eight hundred and ninety-six and in the one hundred and twentieth year of American Independence.

John C. Bailey,
Judge of Probate.

The State of South Carolina }
Greenville County }

We Franklin Croft & Finch & Coxe do solemnly swear each for himself, that this writing contains the the last will of the within named Sarah A. Croft, deceased, as far as I know or 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, so far as her goods and chattels will thereunder 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. before me }
Sworn to and subscribed } Franklin Croft
this ninth day of June A.D. } Finch & Coxe.
1896.

John C. Bailey

The State of South Carolina,
Greenville County,

I, John C. Bailey, Judge of Probate for County and State aforesaid, do hereby certify that the last will and Testament of Mrs. Sarah A. Croft, deceased, was this day admitted to Probate in Common Pleas on the oath of Byron Holley, one of subscribing witnesses to said last Will and Testament, and that Franklin Cox and Finch C. Cox obtained Letters Testamentary.

Given under my hand and seal, this the ninth day of June, A. D. 1896, and in the one hundred and twentieth year of American Independence.

E. Seal

John C. Bailey
Judge of Probate

The State of South Carolina,
Greenville County,

By John C. Bailey, Esq. Judge of Probate.

To all whom these Presents shall come greeting: Know ye, that on the 9th day of June, which was, in the year of our Lord one thousand eight hundred and ninety-six the last Will and Testament of Mrs. Sarah A. Croft, late of Greenville County, in this State, now deceased, was proved, approved and allowed of, the said deceased having whilst she lived and at the time of her death, divers goods, rights and credits within the state aforesaid; by means whereof the approbation and allowing of her Testament and the power of granting the administration of all and singular of the goods, rights and credits of the said deceased to me is manifestly known to be fitting, and that the administration of all and singular the goods, rights and credits of the said deceased, and her Testament, any manner of way concerning was granted and committed unto Franklin Cox and Finch C. Cox named executors in the said last will and Testament, being first sworn on the Holy Evangelists of almighty God well and truthfully to.

Inventory of all and singular the goods, rights and credits of the said deceased, and to exhibit the same unto the Court of Probate, in Greenville, in order to be recorded, on or before the 9th day of July now next ensuing; and to render a just and true account, calculation and receiving thereof, when thereunto required.

In Testimony whereof, I have hereunto set my hand and seal, the 9th day of June, in the year of our Lord one thousand eight hundred and ninety-six, and in the one hundred and twentieth year of American Independence.

John C. Bailey
Judge of Probate

The State of South Carolina,

County of Greenville } In the Court of Probate
I, John C. Bailey, Judge of the Court of Probate in and for the County of Greenville, in the state aforesaid, do hereby certify, that the writing hereto annexed, consisting of nine pages, doth contain a full and true exemplification of all the proceedings had in the Court aforesaid in the matter of Probating the last will and Testament of Sarah A. Croft, deceased, late of said County and State, together with a true copy of said last Will and Testament, and the qualification of Franklin Cox and Finch C. Cox, as Executors and Trustees thereunder, as appears by the original records remaining and on file in my office.

In Testimony whereof, I have hereunto set my hand and affixed my seal of office, at Greenville, in the County of Greenville and State of South Carolina, on the ninth day of June, in the year of our Lord one thousand eight hundred and ninety-six, and in the one hundred and twentieth year of the Sovereignty and Independence of the United States of America.

John C. Bailey
Judge of Probate for
Greenville County S.C.

is affixed to the preceding certificate, was at the date thereof Judge of Probate in and for the County of Greenville in the State of South Carolina, duly commissioned and qualified.

In testimony whereof I have hereunto set my hand, and affixed my seal of office, at Greenville in the State aforesaid, on the 10th day of June in the year of our Lord, One thousand eight hundred and ninety-six, and in the one hundred and twentieth year of the Sovereignty and Independence of the United States of America.

W.D. Metts

C.C.

The State of South Carolina.

I, Joseph H. Early, one of the Circuit Judges of the said State, and in turn, presiding Judge of the Court of Common Pleas and General Sessions for the County of Greenville, in the said State, do hereby certify that W.D. Metts, Esq. whose attestation is above written, as appears by his name in his own handwriting, and under his seal of office thereunto affixed, was, at the date thereof, Clerk of the said Court for the County of Greenville, aforesaid; that all due faith should be given to his official attestations as such Clerk; and that the said attestation is in due form, and by the proper officer.

Given under my hand at Greenville in the State aforesaid, this 10th day of June A.D. 1896

W.D. Metts

Jo. H. Early
Circuit Judge of the Circuit S.D.

The State of South Carolina.

County of Greenville } I, W.D. Metts, Clerk of the Court of Common Pleas and General Sessions for the County of Greenville, in the State aforesaid do hereby certify, that the Honorable Joseph H. Early, whose signature is in his own handwriting is subscribed to the preceding certificate, was at the date thereof one of the Circuit Judges of the said State, and in turn a presiding Judge

County of Greenville in the County and State aforesaid on the tenth day of June in the year of our Lord One thousand eight hundred and ninety-six and in the one hundred and twentieth year of the Sovereignty and Independence of the United States of America.

W.D. Metts

C.C.

North Carolina } In the Superior Court,
Brunswick County } Before the Clerk,
J.R. Ry

The Will of Sarah Ann Croft, deceased, a paper writing, purporting to be the last will and testament of Sarah Ann Croft, bearing date the 17th day of April, 1896, together with a copy of the proceedings had in the Court of Probate of said County of Brunswick and State of South Carolina, proving said will, and admitting it to Probate in said Court, is exhibited before the undersigned Clerk of the Superior Court; and it appearing from the certificate of John C. Bailey, Judge of said Court of Probate in and for the said County of Brunswick and State of South Carolina, under the seal of said Court, the authenticity of which certificate, and the genuineness of the signature of the said John C. Bailey, (being certified, as is required under the Act of Congress in such cases made and provided) that said paper writing so produced, as aforesaid before the undersigned is a true and perfect copy and exemplification of the said last will and testament of the said Sarah Ann Croft, deceased, and of the proceedings had in the Court of Probate in and for the said County of Brunswick and State of South Carolina, admitting said will to probate, according to the laws of the said State of South Carolina, which fact I wit, that said paper writing is a true and perfect copy of the original of said last will and testament of the said Sarah Ann Croft, deceased, and of the

proceedings admitting the same to probate in the said Probate Court of Greenville County, South Carolina, according to the laws of the said state of South Carolina, is further proven by the depositions of the said John C. Bailey, taken before Augustus H. Donaldson, Esq., a commissioner appointed by this Court in this proceeding for that purpose, which deposition is now on file in my office; and it further appearing from the depositions of J. Q. Donaldson and John H. Maxwell, taken before the said Augustus H. Donaldson, at the same time as the taking of the deposition of the said John C. Bailey, under the same commission heretofore issued in this proceeding, that the said J. Q. Donaldson and John H. Maxwell, together with Byron Holley, were the subscribing witnesses to the original of said last will and testament of the said Sarah Ann Croft, deceased, and that each of said witnesses saw the said Sarah Ann Croft sign and publish, pronounce and declare the same to be her last will and testament, and that she was then of sound and disposing mind, memory and understanding, and that each and every of said subscribing witnesses to said last will and testament signed their names thereto as witnesses, at the request of said testatrix, in her presence and in the presence of each other;

and it still further appearing to the Court from the petition of Franklin Cox Sr. and Fench Cox, the sole executors and trustees named in said last will and testament, that the said Sarah Ann Croft did keep certain property, both real and personal, in this the said County of Buncombe;

It is now, on motion of Duft Merriox, attorney for the said petitioners, ordered, adjudged and decreed by the Court, that said paper writing purporting to be a copy of the last will and testament of Sarah Ann Croft, deceased, and of the proceedings admitting said will to probate in the Probate Court for Greenville County, state of South Carolina, is a true and perfect copy, and has been properly and duly proven so to be, of the original of the last will and testament of the said Sarah Ann Croft, deceased, and of said proceedings admitting said will to probate in the Probate Court of Greenville County, South Carolina, according to the laws of the said state of South Carolina, is further proven by the depositions of the said John C. Bailey, taken before Augustus H. Donaldson, Esq., a commissioner appointed by this Court in this proceeding for that purpose, which deposition is now on file in my office; and it further appearing from the depositions of J. Q. Donaldson and John H. Maxwell, taken before the said Augustus H. Donaldson, at the same time as the taking of the deposition of the said John C. Bailey, under the same commission heretofore issued in this proceeding, that the said J. Q. Donaldson and John H. Maxwell, together with Byron Holley, were the subscribing witnesses to the original of said last will and testament of the said Sarah Ann Croft, deceased, and that each of said witnesses saw the said Sarah Ann Croft sign and publish, pronounce and declare the same to be her last will and testament, and that she was then of sound and disposing mind, memory and understanding, and that each and every of said subscribing witnesses to said last will and testament signed their names thereto as witnesses, at the request of said testatrix, in her presence and in the presence of each other;

That said will was duly proven in said state of South Carolina, and according to the laws thereof; and further, that said will has been duly proven to have been executed according to the laws of the state of North Carolina;

And therefore, it is ordered by the Court that said copy of said last will and testament of the said Sarah Ann Croft, deceased, be allowed, and that the said certified copy of said last will and testament of Sarah Ann Croft, deceased, and of the proceedings had in the Court of Probate of Greenville County, State of South Carolina, admitting said last will to probate therein, together with all the proceedings had in this Court in reference to proving the execution of said last will, and the genuineness of said copy, be recorded in the book of Wills for Buncombe County, in this office.

It is further ordered by the Court that letters testamentary issue to the said Franklin Cox Sr. and to the said Fench Cox as executors of the estate of the said Sarah Ann Croft, deceased, appointed by her in said will.

This July 28th 1896

J. S. Coatsworth
Clerk Superior Court,
Buncombe County.