

State of North Carolina }
Buncombe County }

Be it remembered, that on this the 11th day of February, 1886, a paper writing purporting to be the last will and testament of W^m H. Brown, deceased, is exhibited for probate before the undersigned M. D. Reynolds, Clerk of the Superior Court of said County, at his Office at the Court House in Asheville, by C. E. Graham and Charles L. M. Peters, the Executors therein named, and the due execution thereof by the said W^m H. Brown is proved by the oath and examination of Nelson C. Barber and Woodfin R. McLean, the subscribing witnesses thereto; the said paper writing being in the words and figures following, to wit:

I, W^m H. Brown, of the City of Asheville State of North Carolina, do make and declare this to be my last will and testament, hereby revoking all last wills and testaments by me heretofore made;

I appoint my friends C. E. Graham and Charles L. M. Peters my Executors of this my Will. I direct that they proceed as rapidly as practicable to collect all money due me on any account and from all sources whatsoever, and that they also convert my personal property into money, except such as is hereinafter given to my Wife, I also authorize and empower my said Executors to sell and convey such part or all my real estate as they may think should be sold, looking to the best interests of my estate; except the place on Hominy Creek in Buncombe County on which I formerly lived; which is hereinafter otherwise disposed of. They may sell both real and personal property at private or public sale as they may think best and on such terms as to time of payment and the manner of securing the purchase money as they may think best. As the money shall be realized from the several sources aforesaid, I direct that my said Executors shall pay all my just debts, funeral expenses, and the charges

and expenses attending the execution of this my will, any surplus that shall remain in their hands whether derived from debts due me, the proceeds of personal property on the sale of real estate; I give, devise and bequeath to my wife, Mary, M. Brown, and my three children by my said wife, to be equally divided among them, each to have one fourth thereof. But the parts that are to go to my said children, I authorize and empower my said Executors to hold and employ in their education, and if in their judgment necessary, for the support of my said wife and children; this provision referring to the principal as well as the interest of said money. Any sums not used for the said purposes shall be held and invested for my said children, and turned over to them as they respectively become of age or if my Executors shall not wish to take this burthen on them, or not wish to carry the burthen after assuming it, they may at any time turn over said money and shares of my said children to their guardians whose receipt shall be a complete acquittance and discharge of all liability of my said Executors in this behalf. But before my said property, that is, the said surplus, is divided among my said wife and children, as aforesaid, my Executors are authorized to retain a sum sufficient to give to Robert Drake, Jackson Drake, Malley Drake, children of Dorcas Drake a common school education, my said Executors to use their discretion as to how much money shall be set apart and used for that purpose. I give, devise, and bequeath to said wife and my said children by her, all real estate except my said place on Hominy Creek, that shall not be sold by my said Executors as by virtue of the power conferred in this will, to have and to hold the same to them as tenants in common, to them and their heirs in fee simple forever. I give to my beloved wife Mary all the household and kitchen furniture, farming tools, provisions on hand, melch cows, and such other articles and property about my present dwelling house or on my Hominy Creek farm as my said Executors shall think proper to assign her, to have and to hold the same to her absolutely, I also give

devise, and bequeath to Said wife, My said farm on Steamy Creek heretofore referred to; to have and to hold the same for and during the term of Natural life, but upon the trust - that she will use the same and the rents, profits, and income from the same for the support of herself and my said children by her, the said children under no circumstances to be denied the right to live on and enjoy the said farm; And at her death, I give, devise, and bequeath to my said children by her, the said farm, to have and to hold to them and their heirs forever. In case either one of the persons named in this will, shall be dead when his or her part would otherwise vest in possession under this will, then the share or part that would go to him or her shall go to his or her heirs in fee. The provisions in this will for my wife are in lieu of dower and her share Allowance.

I invest my Executors with full discretion in the management of my estate. They may compromise debts due me, taking pay in property, real or personal, and abating a portion of the amount, whenever they think proper; I also authorize them to employ at the expense of the estate such help and assistance as they may need, in winding up the estate, and I hope they will find it agreeable to call in the assistance, when it shall be needed, of my faithful nephew, James M. Jarvis.

In witness whereof, I, the said Wm. H. Brown, have hereunto set my hand and seal, this the 7th day of February, 1886.
W. H. Brown (Seal)

Signed and declared by the said testator Wm. H. Brown, as and for his last will and testament in the presence of each of us, who, at his request, in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses this the 7th day of February, 1886.
Melvin E. Carter
Woodfin M. Deane

It is therefore considered and adjudged by the undersigned Clerk of the Superior Court of Buncombe County, that the said paper writing and every part thereof is the last will and testament of the said Wm. H. Brown, and the same is ordered to be recorded and filed; And therefore the said C. E. Graham and Charles L. McPeters Executors as aforesaid, duly qualify as such, by taking the oath required by law.

W. J. Reynolds,
Clerk Superior Court
of Buncombe County

State of North Carolina } Ss. In the Superior Court.
Buncombe County }

A paper purporting to be the last will and testament of William H. Brown deceased, is exhibited before me, the undersigned, Clerk of said County, by C. E. Graham & C. L. McPeters the executors therein mentioned and the due execution thereof by the said William H. Brown is proven by the oath and examination of Melvin E. Carter and Woodfin M. Deane the subscribing witnesses thereto who, being duly sworn, doth depose and say, and each for himself depose and say, that he is a subscribing witness to the paper writing now shown him, purporting to be the last will and testament of William H. Brown, in the presence of this deponent, and subscribing his name at the end of said paper writing which now shown as aforesaid, and which bears date of the 7th day of February, 1886.

And the deponent further saith, that the said William H. Brown the testator aforesaid, did at the time of subscribing his name 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 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 deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said William H. Brown 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.

Melvin E. Carter (Seal)
Woodfin M. Deane (Seal)

Personally sworn and subscribed
this 16th day of February, 1886, before me.
W. J. Reynolds
C. S. C.