

In the name of God Amen!

I, Harry Patton of the County of Burke, North Carolina being of sound and disposing mind and memory do make, ordain and publish this paper writing, as my last will and testament, hereby revoking all other wills heretofore made and published by me.

Item first: I will, and direct that my body be decently interred and the expenses thereof be paid by my Executor out of my Estate.

Item Second: I direct that all my just debts be paid, including any notes my son William may hold on me, and if there is not a sufficiency of land due me from others, to discharge my indebtedness, it is my will that so much of the property herein bequeathed in the ordinary course of this will as may be necessary for that purpose be sold and the proceeds applied to the payment of my debts.

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Item third: I will, devise and bequeath to Mr. Avery, upon the trusts herein after declared, my undivided half of the undivided tract of land, known as the "Sally King tract", which was purchased at a sale of the Clerk & Master of Burke, and a deed therefor made to me and my son William B. Patton: by E. & W. Brown, C. M. in S. - The whole consideration or purchase money for the same has been paid by me which said tract contains upwards of four hundred acres, but the same has been reduced by a sale of a part thereof to about three hundred and thirty acres. I also devise and bequeath to the said C. M. Avery

and his heirs the one undivided half of my
home plantation, where I now live & the
one undivided half of any other lands of
mine not here mentioned, to have and to
hold the same together with my undivided
half of said Sallie King tract of land
in trust for the use and separate use
of Sophronia Patton, wife of my son
A. E. Patton, during her natural life, and
at her death the said E. M. Avery & his
heirs is to hold and be seized of said
lands, during the life of my son A. E.
Patton, to the intent that my said son
Arthur should receive and enjoy the
rents and profits thereof at such time
after the death of his wife as he may
become entirely free and discharged from
his debts, and after the death of said
Sophronia and until such time, during
the natural life of my son Arthur as
he the said Arthur may become free
from debt, the said rents and profits
of said lands shall belong to the children
of my said son Arthur with the
privilege to said Arthur to live upon
said lands during that period and
receive & apply said rents and profits
to the support and education of his
children, and upon the death of the
said Sophronia & her husband A. E. Patton
the said E. M. Avery is to be seized of said
lands for the use of the children of said
A. E. Patton until the youngest one comes

of age, and at that time the lands are to be divided among said children, and conveyances made to them in fee simple by said trustee, C. M. Avery.

Item fourth: I give, devise and bequeath to my son Dr. B. Patton and his heirs the ~~remaining undivided~~ ^{half} tract of my home plantation and any others lands of mine in Burke County, but it is made a condition precedent to this gift and devise, that my said son William shall release to said C. M. Avery trustee as aforesaid, the one undivided half of ~~my~~ a tract eight four acres entered by him ^{place & the Sally King tract} ^{between the street} which is to be valued & one half thereof accounted for to him ^{in the Sally King tract} and shall release to said Avery ^{in the division of all the land between} the one half of the one fifth part of the Sally King tract purchased by him from C. E. Granger in his own name, and shall consent on my death to divide all said lands by running a line from North to South through the same so as make as equal a division as possible - my son William taking the half next to where he lives & C. M. Avery, as trustee as aforesaid, taking the half which includes the place where my son Arthur now lives, and upon my son William's making the conveyance & releases herein required of him, either before or at the time of said division of said lands, he is to be seized in fee simple of all my title in the lands allotted to him

in said division, and C. M. Avery is to
be seized of the lands allotted to him
upon the trusts aforesaid, and the
said Th. B. Patton, and C. M. Avery
are required after said division to
place to execute mutual releases to
each other for the respective shares
allotted to them, ^{my son William} receiving so much more
than half my lands as pays him for half
the 84 acres entry as aforesaid.

Item fifth: It is my will & I do direct
that the lands which I have devised in
the two foregoing clauses for the benefit
of my two sons and their families.
Excepting the Eighty four acres Entry of my
son William, Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com It shall be valued soon
after my death by three persons to be
selected by my executor, and upon the
value of said land being so ascertained