

Signed and delivered and published by
the Court in the presence of us who at
his request And in the presence of us
have subscribed our names as witnesses

Oct. 23^d 1882

L. C. Baker Secy.

Witnesses { John A. Hoke
 { Thomas M. Hoke

North Carolina }
Catawba County }

The execution of the
foregoing paper writing was this
27 day of Dec. 1882, duly proven before
me by the oath of John A. Hoke and
Thos. M. Hoke, who swear that they
signed said paper writing in the
presence of the testator And in the
presence of each other.

Dec. 27th 1882

P. A. Hoyle

Judge Prob.

Record of John Wilfong's Last Will.

"In The name of God Amen!

I John Wilfong of the
County of Catawba And State of North Carolina
being of sound mind And memory, but weak
in body, Calling to mind the uncertainty of
life, And being desirous of settling some
disposition of the world goods with which it has
pleased our Allwise providence to bless me, do
make ordain And publish this my last will
And testament in manner And form as follows:

Ist I will And devise to my beloved wife Lavinia
Lavinia Wilfong All my house And lots in the town of Hickory.
And my Doyle lands near Hickory Jimmy
lands of Polly Robinson & others, And my
Buck home plantation as it now is including
the ten acres purchased from P. S. Wilfong and
my lot near the White Sulphur Springs during
her lifetime.

II I will And bequeath unto my beloved wife
Lavinia Wilfong Lavinia All my household And kitchen furniture
All the provisions on hand or due from Buck home
farm - two cows - one horse her choice And my
truggy.

III I will And devise to my daughter Jane
Martha Ann my undivided fifth part in my
gold-mining tract of land in Randolph County
called the Whitesides or Petty tract which I value to
be at one thousand dollars. Also After the death
of my beloved wife I will And devise to my said
daughter The Peter bottom Commencing near
the cane tract And running direction
along the fence Crossing the Dogwood branch
at the Dogwood field And running toward
a Persimmon tree along the highest ground
And thence to the river thence up the river fif-
ty feet thence west-back across the road leaving
from the Peter, thence on the west side of said
road to the Tanager ford, with a charge upon the owner
of the Buck home place if a fence is built to the line
across said Peter bottom that it is to be so arranged
with gates And bars so as not to hinder the passage
of the owner of the Peter bottom which tract I value to

Signed and delivered and published by
the above in the presence of us who at
his request acted in the presence of us
have subscribed our names as witnesses
Oct. 23^d 1882

E. H. Baker Secy.

Witnesses { John A. Hooker
 { Thomas M. Hooker

North Carolina }
Catawba County }

The execution of the
foregoing paper writing was this
27 day of Dec. 1882, duly proven before
me by the oath of John A. Hooker and
Thos. M. Hooker, who swear that they
signed said paper writing in the
presence of the testator and in the
presence of each other.

Dec. 27th 1882

P. A. Hoyle
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"In the name of God Amen!

I John Wilfong of the
County of Catawba and State of North Carolina,
being of sound mind and memory, but weak
in body, calling to mind the uncertainty of
life, and being desirous of making some
disposition of the world goods with which I have
pleased me Almighty Providence to bless me, do
make ordinance and publish this my last will
and testament in manner and form as follows:

Ist I will and devise to my beloved wife Lavina
Lavina Wilfong all my houses and lots in the town of Rockery
and my place near Rockery giving
lands of Polly Robinson & others, and my
Rock house plantations as it now is including
the ten acres purchased from P. C. Wilfong and
my lot near the White Sulphur Springs during
her life time.

" I will and bequeath unto my beloved wife
Lavina Wilfong all my household and kitchen furniture
all the provisions on hand or due from Rock house
farm - two cows - one horse her choice and my
tuggy.

III I will and devise to my daughter Jane
Martha Ann my undivided fifth part in my
gold-miner tract of land in Rutherford County
called the Whitesides or Petty tract which I value to
be at one thousand dollars. Also after the death
of my beloved wife I will and devise to my said
daughter the Peter bottom commencing near
the cane tract and running
along the fence crossing the Dogwood branch
at the Dogwood field and running toward
a Persimmon tree along the highest ground
and thence to the river then up the river fif-
teen feet then west-back across the road leaving
from the Peter, thence on the west side of said
road to the Turner ford, with a charge upon the owner
of the Rock house place if a fence is built to the
acres said Peter bottom road it is to be so arranged
with gold's end bars as to mark the boundary
of the owner of the Peter bottom where said I value to be

at twelve hundred dollars. And I have heretofore given her a part of the Courtier place and some personal property which I value to her, including said personal property at four thousand three hundred and thirty four dollars. All of which will appear by my book of advancements. I will also to her a note of one hundred and fifty dollars on N.C. M. C. C. which I this day have surrendered to him and for which she is to be accountable nothing in all her thousand seven hundred and four dollars.

IV

I will also devise to ^{my son} ~~my son~~ Theodore, after the death of my beloved wife Larina one half of the ten acres of bottom I purchased from W. P. Wilfong formerly a part of the Rock House which I value to him at six hundred dollars. I have heretofore given to him a tract of land and an undivided half in the Chapel land which I value to him at thirty four hundred dollars also personal property amounting to nine hundred and eighty dollars & 34 cts which is charged on my book and I also charge him with one thousand and seventy five dollars for a mule and bay snore.

I also will and bequeath to my said son ten shares in the Western N.C. Rail Road Co. which I value to him at one thousand dollars nothing the amount given does not equal to him six thousand one hundred and fifty five dollars & 34 cts.

I will also devise to my son Quincy Albert the one half the ten acres of bottom purchased from W. P. Wilfong which I value to him at six hundred dollars, after the death of my beloved wife.

I also will to him ten shares in the Western N.C. Carolina Rail Road, which I value to him at \$1000.00 and I have heretofore given him in land & personal property amounting from thousand six hundred and seventy five dollars in all amounting to six thousand two hundred & seventy four dollars as will more fully appear by reference to my book account.

VI.

James E. Wilfong

I will also devise to my son James Ellis after the death of my beloved wife the balance of the Rock House place; but if she dies without issue, then it will said place to his brothers and sisters.

I also will to my said James E. ten shares in the Western North Carolina Rail Road Co. which I value to him at \$1000.00 and with what personal property I have given him, I will that he shall have in sum of my property.

VII

Cory Wilfong

I have heretofore advanced to my son Cory in land and personal property three thousand and forty dollars and I hold note on him for twenty two hundred dollars with which I charge him as an advancement without interest and I also will him ten shares in the Western N.C. R.R. Co. which I value to him at one thousand dollars nothing in all six thousand three hundred forty dollars, which will appear by my book of advancements.

VIII

W. P. Wilfong

I will also devise to my son Wesley P. Wilfong ten shares in the Western N.C. R.R. Co. which I value to him at \$1000.00 and have heretofore given him in land and personal property amounting in value thirty six and eighty four dollars and hold his note for nineteen hundred and fifty seven which notes I intend as an advancement nothing in all will to him and given heretofore \$642.00

IX

John Wilfong

I will also devise to the children of my son John Moore ten shares in the Western N.C. R.R. Co. which I value to them at \$1000.00 and hold in my possession notes against my said son which I intend as an advancement to them and what I have given to him will amount to six thousand two hundred & fifty dollars as will appear by my book of advancements.

S. J. & W. A.

XI.

I will that my sons S. J. Wilfong & Wesley Albert shall not partition the bottom of said thing their heirs and assigns unless by the consent of the owner of the Rock House upon pain of forfeiture thereof. I will also devise the balance of all my property be equally divided among my

Children, except my son James. The Children of my son John shall have the share that their father would be entitled to, and all are are made equal with the one who has received and will receive under this will the greatest benefit so as to make all equal to the highest - And when all reaches that point - all are to share equally in the balance of my property except my Son James. My son John's Children are to represent him. And this valuation that I have put upon the property by this will given and hereafter given shall be conclusive.

I fully Oppose my two sons Geo Henry and L. Wilfong the execution of this my last will and testament breaking all other wills by me hereafter made.

My testimony whereof I have hereunto set my hand & seal this 3 day of April A.D. 1875.

J. Wilfong Seal

Signed Sealed & published
in presence of us.

W. R. Remondt

Rich. B. Baker

Codicil 1876 Aug.

North Carolina 3
Catawba County

I John Wilfong of the County & State aforesaid being desirous of making further provision for my Children viz Lavinia after my death do make this Codicil to my last will and testament as follows: that is to say:

I will and bequeath unto my beloved wife Lavinia all the money, what may be on hand at my death, to be hers absolutely.

My testimony whereof I have placed my hand and seal this 11 of August 1876

Signed Sealed and published in presence of us.

W. R. Remondt

Rich. B. Baker

North Carolina 3
Catawba County

I John Wilfong of said County and State having before made and published my last will & testament and being desirous to make some alterations in the same do make and publish this Codicil to my said will as follows: that is to say

I will and devise unto my sons Geo. Henry Wilfong, W. R. Wilfong, L. Wilfong, D. A. Wilfong, James C. Wilfong (some the children of my son John M. Wilfong representing their father (per stip.) and entitling them to one only the track of land in Catawba County and State before said joining lands of Marcus Fry & the Burke line containing about 57 acs. Also my undivided interest in a track of land owned by me and now W. R. Remondt, joining lands of Bank Abernethy & others on the South Fork (Henry's Fork) the whole track containing about 260 acs.

Also another track called the Shugra track joining lands of ^{James} Thomas Whittem and others, containing about 87 acs.

I also will and devise that my son James C. Wilfong, shall have an equal interest with my other children in a track of land near the town of Hickory called and known as the Hoyle lands joining David Rowe & others.

I will and bequeath unto my beloved wife Lavinia what money and notes may be on hand belonging to me at my death. My testimony whereof I have hereunto set my hand & seal this 27 day of May A.D. 1880.

Signed Sealed & published in presence of us.

W. R. Remondt

Rich. B. Baker

This paper relating property to be the case will and testament John Wilfong was duly sworn before me by the oath and solemnity of W. R. Remondt and Richard B. Baker witnesses and I do hereby certify that the same is true and correct. Witness my hand and seal this 27 day of May 1880.

O. P. Bork
of 7 Bork -

Judgment -

North Carolina } In Probate Court
Catawba County } April 14 1883.

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Whereas on the day of May 1880 in the Probate Court of Catawba County a paper writing purporting to be the Last Will and Testament of the late Joseph Bork deceased, was offered for probate by the plaintiff and cannot thereto enter by the defendants in this cause and the issue of "Devise and bequeath" do move up was transmitted to the Superior Court for said County, and at Fall Term 1882 brought to trial before the Hon. H. H. Judge presiding and a jury and a verdict therein rendered by said jury, that the said paper writing was not nor was any part thereof the Last Will and Testament of the late Joseph Bork, and the judgment of the said Superior Court rendered accordingly, and whereas upon appeal by the plaintiffs profformers to the Superior Court of North Carolina, as appears from the Certificate herein filed, the said judgment of the Superior Court was affirmed, and whereas at Spring Term 1883 of said Superior Court the following was rendered in said cause: to wit -

It is adjudged that said paper writing is not nor is any part thereof the Last Will and Testament of the said Joseph Bork, and it is ordered that said paper writing together with the manuscript and the proceedings thereon in this Court be remitted to the said Probate Court so that that

judgment be entered therein in accordance with this judgment and that the cost thereof of this action be paid out of the assets of the estate of said Joseph Bork, decd.

It is therefore ordered accordingly and decreed, that the said paper writing nor any part thereof is nor the Will of said Joseph Bork, decd., and that the same be not admitted to probate.

And it is further ordered that judgment be here entered in accordance with said judgment of the Superior Court of said County made in said cause, rendered at Spring Term 1883.

At being present { M. S. M. Corble, City for Proprietors
W. L. Bork, head }
J. C. Cobb } Stg for Executors

P. H. Hoyle
Judge of Probate
of Catawba County.