

Last Will and Testament of Laban Lutz

In the name of God Amen.

I, Laban Lutz of the County of Catawba in the State of North Carolina, being of sound mind and memory, and in consideration of the uncertainty of this frail and transitory life do therefore make, ordain, publish and declare, this to be my last Will and Testament. That is to say: First I give and bequeath to my well beloved son David E. Lutz, the home tract of land also the bottom and part upland of the Willie tract, joining A. S. Robinson and F. L. Herman. Beginning at Robinsons Rock corner on top of the hill and running a new line to a pile of Rocks between two whiteoaks on Herman's line then with Herman & Robinson's line to the beginning, courses and distances (not known). Also I give and bequeath son David E. all my personal property, who is to support me and my beloved wife so long as both may live and the said David E. Lutz is to pay all lawful debts that may owe at our death. To my son James Lutz and his heirs I give and bequeath the balance of the Willie tract running with the lines of Dr. W. Herman and D. Lutz lines to the rock pile on Herman's line.

And to my son William Lutz I give and bequeath all my interest and claim in my Mother's down, in the old homestead. I will that each of my sons pay their own expenses for running or surveying any of said lands. And to my daughter Harriet Wilson, I desire that each of my sons viz: David E. James and William pay said Harriet Wilson, Five Dollars each in consideration of the above devise. Likewise I make, constitute and appoint my son David E. Lutz, to be Executor of this my last Will and Testament, thereby revoking all former Wills by me made.

In witness whereof I have hereunto set my hand and affixed my seal, the 18th day of August in the year of our Lord one thousand eight hundred and ninety six.

Laban Lutz (Seal)

The above last Will and Testament, was subscribed by the said Laban Lutz in our presence, and declared the above to be his last Will and Testament and we at the Testators request and in his presence have signed the same as witnesses.

N. W. Propp,
Frank Abernethy.

State of North Carolina

Catawba County

ss In the Superior Court.
Apparating to be the last Will and Testament of Laban Lutz deceased, is exhibited before me the undersigned, Clerk of the Superior Court for said County, by David E. Lutz, my executor therein mentioned and the due execution thereof by the said Laban Lutz, and proved by the oath and examination of N. W. Propp and Frank Abernethy, the subscribing witnesses thereto, who being duly, both depose and say, and each for himself depose and swear, that he is a subscribing witness to the paper-writing now shown him purporting to be the last Will and Testament of Laban Lutz that the said Laban Lutz in the presence of the deponent subscribed his name at the end of said paper-writing, which is now shown as aforesaid, and which bears date of the 18th day of August, 1896.

And the deponent further swears, that the said Laban Lutz, the testator aforesaid, did at the time of subscribing his name as aforesaid declare the said paper-writing to be 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 said testator. And this deponent further swears, 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 deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said Laban Lutz 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 the deponent. And further these deponent say not.

N. W. Propp
Frank Abernethy.

Specially sworn and subscribed,
this 5th day of July, 1899, before me,
L. H. Phillips
Clerk Superior Court

North Carolina ss In the Superior Court.
Catawba County

It is therefore considered and adjudged by the Court that the said paper-writing and every part thereof is the last Will and Testament of Laban Lutz deceased, let the said Will, together with the probate, be recorded and filed. This 5th day of July 1899.

L. H. Phillips Clerk Superior Court