

Last Will and Testament of Laban S. Whitener

North Carolina
Catawba County

I, Laban S. Whitener of the aforesaid County and State, being of sound mind and in good health but considering the uncertainty of my earthly existence do make and declare this my last will and testament.

(First) My executors hereinafter named shall give my body a decent burial, and pay all funeral expenses together with all my just debts out of the first money which may come into their hands belonging to my estate.

(Second) I give and bequeath to my dear wife Amanda L. C. all of the real estate and personal property together with all money on hand or due me at the time of my death, but I do advise her that it is my wish that she do not sell the home place.

(Third) I give and bequeath to my son John Sumner, Two hundred dollars worth of property to be divided or apportioned to him after my wife's death.

(Fourth) I give and bequeath to each of my sons Myron Edward, Julius Wilford, and Horace Eugene three hundred dollars in money or property to be divided and apportioned to them after the death of my wife.

(Fifth) To each of my daughters Florence Etoile, Marie Emmette, and Phineas Isabella, I give and bequeath a one acre lot on the home place located as I have explained to my wife to be given them when they marry or after the death of my wife, on this condition that neither they, their heirs nor assigns, will at any time sell or allow to be sold, spirituous or alcoholic liquor of any kind and should either one do so, she shall forfeit all right and title to the lot, which shall revert to my estate and be divided between my other heirs.

(Sixth) My will and desire is that after the death of my wife all the remainder of my estate after paying the before mentioned expenses and legacies shall be equally divided between all my children.

(Seventh) I do appoint my dear wife Amanda L. C. to be the executrix of this my last Will and Testament and do appoint my sons Amides A. and John Sumner to act with her during her life time, and to execute the provisions of this my will after her death.

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In witness whereof, I the said Laban S. Whitener do hereunto set my hand and seal this the September 1897
Laban S. Whitener (Seal)

Witness { W. H. Sigmon
G. H. Gertner

State of North Carolina } ss. In the Superior Court
Catawba County

A paper purporting to be the last Will and Testament of Laban S. Whitener, deceased, is exhibited before me the undersigned, Clerk of the Superior Court for said County by Amanda L. C. Whitener, Executrix and Amides A. Whitener and John Sumner Whitener, the executors therein mentioned, and the due execution thereof by the said Laban S. Whitener by the oath and examination of W. H. Sigmon and G. H. Gertner the subscribing witnesses thereto, who being duly sworn, each depose and say, each for himself, depose and saith that he is a subscribing witness to the paper-writing now shown him, purporting to be the last Will and Testament of Laban S. Whitener that the said Laban S. Whitener in the presence of this deponent subscribed his name at the end of said paper-writing, which is now shown as aforesaid, and which bears date of the day of September 1897. And the deponent further saith, that the said Laban S. Whitener the testator aforesaid, did at the time of subscribing his name as aforesaid declare the said paper-writing so 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 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 the deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said Laban S. Whitener 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.

W. H. Sigmon
G. H. Gertner

Solemnly Sworn and Subscribed.

This 16th day of March 1899.

L. H. Phillips Clerk Superior Court

North Carolina } ss. In the Superior Court
Catawba County

It is hereby confirmed and adjudged by the Court that the said paper-writing and my last testament of the said Laban S. Whitener, deceased, and said Will, together with the probate, be recorded and filed This 16th day of March 1899. L. H. Phillips

This probate of a will was taken on the 15th day of March 1899.