

Will of Marcus L. Fry

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In the name of God Amen! I Marcus L. Fry of the County of Calaveras and State of Nash California, being of sound mind and memory, do hereby make, publish and declare this my last will and testament hereby revoking any and all wills by me heretofore made

First

I direct my executors hereinafter named to pay my funeral and burial expenses and furnish tombs to my grave and pay all just debts and liabilities as soon as can conveniently be done after my decease

Second

I direct my executors hereinafter named to sell one fine acre lot and one three acre lot of land surveyed and platted and lying on the North side of the N. C. R. R. adjoining the lands of Wallace Suddarth and others all advertise and sell all my horse stock after my growing crop is finished and all other personal property belonging to me at my death and apply the proceeds of said sales to the payment of my just debts and divide the surplus if any between my children equally

Third

I give and bequeath to my children, namely John Fry, Jane Adersholdt, J. Davis Fry (now Pinkney Fry) Monitor Fry, William Fry, Robert Fry and Pinkney Fry, all my real estate (except the two lots herein named for sale) which is to be equally divided between them subject to the provisions hereinafter made

Fourth

I give and bequeath to my daughter Jane Adersholdt and her bodily heirs forever all her part of my real estate upon the condition that she hold it during her earthly existence and if she die without any bodily heirs then it shall be equally divided between my children and their heirs

Fifth

I give and bequeath to my son J. Davis Fry and his bodily heirs forever all his part of my real estate upon the condition that he hold it during his earthly existence and if he die without bodily heirs then it

Sixth

shall be equally divided between my children herein named and their heirs

I give and bequeath to my son William Fry and his bodily heirs forever all his part of my real estate upon the condition that he hold it during his earthly existence and after his death it shall belong to his wife Alice Fry and her heirs by William Fry

Seventh

My last will and testament is that my son Pinkney Fry shall have his part of my real estate laid off so as to include my house and out buildings which I now occupy and that he have an equal number of acres with the balance

Eighth

My last will and testament is that if the eight acres of land and personal property herein provided for sale will not pay all my just debts then I direct my executors hereinafter named to sell enough of any of my real estate to pay the balance and divide the balance between the parties therein named as directed

Ninth

The provisions of this my will of as accepted by my wife shall be but and bar of all dower and thirds and all right of dower and thirds which my wife shall have or claim in my estate

Tenth

My last will and testament is that all the residue and remainder of my estate real and personal wheresoever situated of which I may die seized and possessed or in anywise entitled to not hereinbefore effectually disposed of, I direct my executors to sell and divide equally between my heirs at law, John Fry, Jane Adersholdt, J. Davis Fry, Monitor Fry, William Fry, Robert Fry and Pinkney Fry

Eleventh

I hereby nominate, constitute and appoint Monitor Fry Dr and J. C. Mousen Executors of this my last will and Testament

In witness whereof I have hereunto subscribed my name and affixed

