

Last Will and Testament of W. H. Lenoir.

I, Walter H. Lenoir, do on this 30th day of May 1889 make this my will & testament, I have full faith in the & perfect integrity of my nephews Thomas B. Lenoir and George H. Lenoir and I appoint them as I. Lenoir my executor, and if he does not accept the appointment, or after accepting it ceased to be my executor, then I appoint George B. Lenoir to be my executor in his stead. Except as hereinafter provided, I bequeath all my property and effects of every kind to be distributed, subject to the payment of all my just debts, and obligations of every nature as though I had died intestate. I authorize my executor or administrator to make the deed or deeds and receive the mortgage and notes necessary to complete the sale of my Linville lands to the Linville Improvement Company the terms of which sale are specified in the offer made by me and accepted by said company on 2^d day of October 1888 in a writing which refers to the offer to B. F. Kelley made on 27th day June 1887 by me for a description of said lands & for other particulars. I have agreed to take in all one hundred shares of \$1000 each, in all ten thousand dollars, of the Linville Improvement Company, the assessments of which are to be ~~entered~~ as credits on said notes till they are paid in full, I authorize my executor or administrator to enter the credits & receive the certificates necessary & proper to carry out the agreement on my part. And whereas in order to remove a cloud from the title to a part of the land of the Linville Improvement Company that might have seriously, have interfered with and delayed the early growth of the town of Linville & to save the expense of a threatened lawsuit said company have compromised with the present owners thereof, the claim known as the Brown claim, that part of the 39,000 acres granted to John Bathcock include a part of the lands of said company & have taken a quit claim deed from the owners of said company for the land covered by any such interference, and said compromise was made with

my consent and approval. I promised verbally, that I would bear individually and equitably portion of the expense of each compromise to be entered as a credit on the second payment due me from said company on their above mentioned note given me for the lands, bought by them of me. I therefore authorize my executor or administrator to include in the credits for said second payment one third of the price which has been agreed on as the consideration for said quit claim deed including one third of the lawyers fees for the attorneys of said company, for their services in effecting said compromise and one third of the probate & registration fees for the ^{probate} registration of said quit claim deed. And I also authorize my executor or administrator to include in the credits for said second payment a sum to be refunded in that way by me to said company, of the amount of which they have an account for the removal to its present site of the house in which George Polk is living & to receive statements in return from said company for what each of these items was credited on the notes. As the outside boundaries of my 640 acre tract on Grandfather Mountain & my 630 acre on said mountain have not all been surveyed & there may be some laps on my lands sold to the Linville Improvement Company of which I am in ignorance and do not suspect I authorize my executor or administrator, in case any such laps on said lands are found to which the adverse claimants have a title superior to mine or can hold the land by adverse possession to compromise said claims by a settlement with the adverse claimant or claimants or with the company & to receive or execute any deeds or other writings as may be proper to perfect such compromise or settlements.

I bequeath the proceeds of my unsold lots around the site of Highland School at Hickory in Catawba County, North Carolina to be applied to making or adding in making on said site a building suitable for a residence of the principal & successive principals of said school & suitable outbuilding & enclosures for said building.

I will that said lots be sold & conveyed with the same consideration conditions with,

reference to the locations of the buildings on them as are set forth in the deeds which I have already made for the adjoining & neighbouring lots.

My Watauga lands are improving so rapidly in value that I authorize my executor at his discretion to retain them for sale for a period not more than fifteen years & to have the cleared land on them kept up & added to by tenants, & when necessary at the expense of my estate. It is my will that his compensation be five per cent on his receipts & five per cent on his disbursements & one dollar and fifty cents a day for the time consumed in taking care of & improving my unsold lands & in settling my accounts and land matters. I authorize my executor to use his discretion, when he sells any of my lands in subdividing them into such tracts as he ~~deems~~ most advantageous & to sell them either for cash or for a cash not less than one third cash & the rest in equal yearly payments due one two and three years from date, each secured by note with 6 per cent interest payable annually from date with the title retained till payment in full is made.

Though I am in bad bodily health I am of sound mind and memory. And I declare that I have unaided and alone made this my last will & testament & that it contains the sole disposition of all the property & estate which I will leave behind me when I die & that it supercedes and annuls any other testamentary disposition which I may have made of any of it.

In witness of all which I do on this thirtieth day of May 1889 signed sealed & execute this writing & acknowledge & declare it to be my last will & testament in the presence of the undersigned, my chosen witnesses who sign & witness it in my presence & by my request.

Witnesses
S. B. Cook
J. C. Shull

W. H. Lenoir

Probate of W. H. Lenoir's Will

North Carolina } In the Superior Court,
Watauga County

You swear that you saw W. H. Lenoir sign seal and publish and declare this paper writing to be and contain his last will, ^{a testament} and that at the time thereof he was of sound mind and disposing memory, and that he did so freely without compulsion & the best of our knowledge and belief & help us God.
In presence of { Aug 6 1891
J. C. Shull
S. B. Cook
J. B. Todd clk. }

North Carolina } In the Superior Court
Watauga 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 W. H. Lenoir deceased and the same with the foregoing examination and this Certificate are ordered to be recorded and filed this 6th day of Aug, 1891.

J. B. Todd cks