

State of North Carolina }

Charlotte County

In the Superior Court.

A paper writing purporting to be the last Will and Testament of A. J. Cotter deceased, as exhibited before me, the undersigned, Clerk of the Superior Court for said County, by C. C. Simmons the executor therein mentioned, and the due execution thereof by the said A. J. Cotter is proven by the oath and examination of J. R. Wilbur and W. F. Hill the subscribing witnesses thereto, who being duly sworn, doth 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 A. J. Cotter, that the said A. J. Cotter 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 22^d day of February 1928.

And the deponent further saith, that the said A. J. Cotter the testator of said, did, at the time of subscribing his name as aforesaid, declare the said paper writing to be his last Will and Testament, and these deponents 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 these deponents further saith that at the same time when the said testator subscribed his name to the said last Will as aforesaid, and at the time of the deponents subscribing his name as attesting witness thereto, as aforesaid, the said A. J. Cotter 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.

Solely sworn and Subscribed
This 22^d day of August 1928 before me

P. C. Hyatt, Clerk Superior Court

North Carolina, Cherokee County } In the Superior Court.

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 A. J. Cotter deceased.

Let said Will, together with the probate, be recorded and filed.

This 22^d day of August 1928.

P. C. Hyatt
Clerk Superior Court.

North Carolina, Cherokee County.

I, A. J. Cotter of the aforesaid County and State being of sound mind but considering the uncertainty of my earthly existence, do make and declare this my last Will and Testament.

- First, my executor hereinafter named shall give my body a decent burial suitable to the wishes of my friends and relatives and pay all funeral expenses together with all my just debts out of the first moneys which may come into his hands belonging to my estate.
- Second, I give and devise to my daughter Loucristie Stiles Cotter the tract of land on which I now reside containing Forty (40) Acres for natural life.
- Third, I give and bequeath to my daughter Loucristie Stiles Cotter all the household and kitchen furniture not otherwise disposed of in my Will, and all the crops on the plantation whereon I now live, and all the provisions on hand at the time of my death, also all money, notes, which I might have at my death.
- Fourth, I hereby constitute and appoint my trusty friend C. C. Simmons my lawful executor to all intents and purposes to execute this my last Will and Testament according to the true intent and meaning of the same and every part and clause thereof hereby revoking and declaring utterly void all other Wills and Testaments by me heretofore made.

In witness whereof I the said

A. J. Cotter do hereunto set my hand and seal, this the 22 day of February 1928. A. J. Cotter (Seal)

Signed, Sealed, Published and declared by the said A. J. Cotter to be his last Will and Testament in the presence of us, who at his request and in his presence do subscribe our names as witnesses thereto.

Witness, W. F. Hill

Witness, J. R. Wilbur

(Seal)
(Seal)

In the Matter of the Will of } Before J. B. Bain, Clerk.
S. Westray Battle.

Jane Battle being duly sworn, says:

That S. Westray Battle, late of said county, is dead, having first made and published his last Will and Testament; and that she is the Executor therein named.

Further that the said S. Westray Battle left real and personal property, consisting of stocks &c and worth about \$40,000.00 so far as can be ascertained at the date of this application, and that Jane Battle is, the party entitled under said Will to the said property.

Jane Battle
Sworn and subscribed before me this
the 6 day of May, 1927

J. B. Bain
Clerk Superior Court Buncombe County, N. C.

North Carolina) In the Superior Court,
Buncombe County) Before the Clerk.

Oath and examination of Jane Battle

Jane Battle, being first duly sworn, by the undersigned, Clerk of the Superior Court, of Buncombe County, N. C., deposes and says: That the paper writing or manuscript purporting to be the last will and testament of S. Westray Battle, deceased, now produced and exhibited by her for probate in open Court, was found among the valuable papers and effects of the said S. Westray Battle after his death in a locked metallic box in the vault of the Central Bank & Trust Company, of Asheville, North Carolina, and that said box was unlocked and opened by her on May 3rd, 1927, and said paper writing manuscript found in the presence of E. Lyle Jones, Dorothy Churchill, and Louis M. Bourke, all of Asheville, North Carolina.

This the 6th day of May, 1927.

Jane Battle

Subscribed and sworn to before the undersigned, Clerk of the Superior Court of Buncombe County, N. C., this the 6th day of May, 1927.

J. B. Bain, Clerk Superior Court,
Buncombe County, North Carolina.

North Carolina,) In the Superior Court
Buncombe County.) Before the Clerk.

Oath and examination of Haywood Parker

Haywood Parker, being first duly sworn, says: That he is a resident of Asheville, North Carolina and knew the late S. Westray Battle, having often seen him write, and verily believes that the name of the said S. Westray Battle subscribed to the said paper writing or manuscript and the said paper writing or manuscript itself, and every part thereof, now produced and exhibited in open Court for probate by Jane Battle, is in the handwriting of the said S. Westray Battle, and that the said handwriting is generally known to the acquaintances of the said S. Westray Battle, including Dorothy Churchill, Louis M. Bourke, and this affiant.

Haywood Parker,
Subscribed and sworn to before me the undersigned Clerk of the Superior Court of Buncombe County, N. C., this 6th day of May, 1927.

J. B. Bain, Clerk Superior Court,
Buncombe County, North Carolina.

North Carolina) In the Superior Court
Buncombe County) Before the Clerk.

Oath and examination of Dorothy Churchill
Dorothy Churchill, being first duly sworn, says: