

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

A paper writing purporting to be a codicil to the last Will and Testament of A. B. Smith, deceased, is exhibited before me, the undersigned, clerk of the Superior Court for said county, by J. P. Smith one of the executors therein mentioned, and the due execution thereof by the said A. B. Smith is proved by the oath and examination of B. E. Robinson, J. H. Mintz and Everett Cook, the subscribing witnesses thereto, who being duly sworn, doth depose and say, and each for himself depose and saith, that he is a subscribing witness to the paper writing now shown him, purporting to be a codicil to the last Will and Testament of A. B. Smith; that the said A. B. Smith, 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 28th day of July, 1928.

And this Deponent further saith, That the said A. B. Smith 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 a codicil to his last Will and Testament, and this deponent did thereupon subscribe his name at the end of said codicil to 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 same 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 attesting witness thereto, as aforesaid, the said A. B. Smith 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.

Severally sworn and subscribed, this 11th day of January, 1929, before me.

P. C. Hyatt

Clerk Superior Court.

B. E. Robinson

J. H. Mintz

Everett Cook

North Carolina } ss. In the Superior Court.
Cherokee County.

It is therefore considered and adjudged by the court that the said paper writing and the codicil thereto and every part thereof is the last Will and Testament of A. B. Smith, deceased. Let said Will and the codicil thereto, together with the probate be recorded and filed.

This 11th day of January, 1929.

P. C. Hyatt

Clerk Superior Court.

The last Will and Testament of Addison Baxter Smith, of Marble, Cherokee County, North Carolina, made and written by himself, and signed by his hand, this the 13th day of March, 1928; and which said will (this) supercedes all other wills or will made prior to this date, - and which wills or will shall now be destroyed.

Know all men by these presents: That I Addison Baxter Smith, of Marble, Cherokee County, North Carolina, being of sound body and mind, do hereby on this the 13th day of March, 1928, make and subscribe this my last will and Testament.

First:

I appoint and make my son, John P. Smith, of Marble, N. C., Executor and Administrator, and my daughter, Asie Smith, of Marble, N. C., Administratrix and Executrix, that after my death - and without bond, that they administer and execute the provisions of this my last will and Testament. (Neither of them shall be required to make bond)

Second:

My homestead consists of about one acre of land and the dwelling house near Marble. And the same is now free from any and all encumbrance whatsoever.

On my Ministerial Pastoral Book, #3, page 184, is shown an account of \$184.84, which is the sum Asie Smith invested in house repairs and in purchasing the

homestead, judgment from Haynes, Henson & Co., Knoxville, Tenn. - Marshall W. Bell, atty., and it is hereby affirmed and decreed that after my death the said homestead is, and shall be the property and possession of my daughter the said Osie Smith. Osie Smith does not owe any part of the note of \$100.00 which may be found among my papers.

And how she may proceed to get real title to my said homestead - which is her own, both by purchase of homestead and by gift and will this day made by me to her - is set forth in an appendix to backside of this will and marked. - Instruction for Osie Smith.

Third:

Mrs. Mattie S. Smith, my deceased wife, was the beneficiary in my \$2000. Northwestern Mut. Life Ins. policy, #311987, now held by The said Insurance company to secure loans. The said company have advised that M. S. Smith's benefit in said policy expired with her death, and that the amount due on said policy, including additions thereto, of about \$1440., when it becomes a claim, will belong to my estate.

I therefore will that after the expense of my burial - which I request be simple and economical - has been paid out of the proceeds of said Insurance, that the remainder be divided equally between my five children, to-wit: Mrs. Blanche Barnett; John P. Smith; Grady Smith; Miss Osie Smith; and Richard J. Smith.

Provided:

That if any one of them contest their Mother's will giving all of her property to Osie Smith, that such one thereby forfeits his or her share in said insurance moneys to the said Osie Smith. (Total sum due on policy when it becomes a claim, including additions, is \$1440.30)

Fourth:

If my daughter, Osie Smith, is yet unmarried at the time of my death, I give and bequeath to her all of the remaining one-half. (My own part) my land, the said tract #51.

This tract of land consisted of about 98 or 99 acres, which is less the part sold Frank Coffey. And now

consist of about 89 to 90 acres, deducting my homestead of one acre; and deducting two and one half acres which belonged entirely to M. S. Smith; and also deducting about six acres sold to "The Frenchman."

(My wife, Mattie S. Smith, owned one undivided half interest in all of the said land, and I own the remaining one-half undivided.

Fifth:

I will that my two book cases; and all of my books; and my desk, be divided between my children, to-wit: Mrs. Blanche Barnett, John P. Smith, Grady Smith, and Richard J. Smith.

But if any of them do not want the said cases and books, then the whole lot shall be sold, and the proceeds equally divided between my said five children.

(See fourth above: Mrs. M. S. Smith's individual)
(2 1/2 acres of land is situated - One acre)
(below my homestead lot; from about the big)
(walnut tree down, and one and half acres)
(lies above my homestead lot, taking in our)
(present chicken lot, and barely includes the)
(old crib and new barn. The one acre begins)
(about half way between our present garden & walnut tree)

Sixth: I give my watch to Blanche, and my old watch given to me by an Uncle, to Osie. I also give my calendar clock to Osie. And if at the time of my death Osie is unmarried, I give and bequeath to her all of my part of the furniture in the house. But if at that time Osie is married, I will that my furniture - or its proceeds, be divided between Blanche, John, Grady, Osie, and Richard. I give my two old large scrap-books to Blanche, and the old family Bible to Osie. I request that the Bibles which I use, loose-leaf-books, old sermon notes and sermon studies, etc., be taken care of by Osie, or by Blanche if if Osie prefers her to.

Seventh:

I will and bequeath all moneys, bonds, and other things of value I may own at the time

of my death - not herein disposed of - and after my funeral expenses have been paid (I want an economical funeral and burial), be divided between Blanche, John, Grady, Ossie, and Richard.

(Two \$50. bonds are now in the Clay County Bank,)

(Haysville, and my bank account is kept there)

I will that the three notes of \$40. each, 6% int., of the Frenchman - secured by deed of trust, B. H. Mintz trustee, be collected and proceeds divided between my said five children.

In my Ministerial Book, #3, Pages 182-3, will be found a long standing account which Richard J. Smith owes me - bal. now due, \$828.99; no interest.

Administrators collect this from Richard, and pay equally to Blanche Barnett, J. P. Smith, Grady Smith, Ossie Smith, and Richard Smith.

Signed and sealed by me, the said Addison Baxter Smith, this the thirteenth day of March, 1928.

Addison Baxter Smith. (Seal)

Acknowledged before

N. W. Abernathy Marble, N. C.

B. E. Robinson Marble N. C.

Everette A. Mintz Marble N. C.

Codicil

This codicil to my will, made and executed the thirteenth day of March, 1928; and witnessed by N. W. Abernathy, B. E. Robinson and Everette A. Mintz, all of Marble, N. C. is made by me, Addison B. Smith - being well and of sound mind, this the 20th day of July 1928. - Witnesses =

- (1): If anything is collected by Moody and Moody, Attys., on my claim against propotion of Ossie Powell (J. A. Powell). Cherokee Indian, and comes in to my executor after my death; I will and direct that an account of \$178.84, due by me to my Daughter, Ossie Smith, and which account may be found in A. B. Smith's

Ministerial Pastoral Book 3, on pages 184-5, be paid by my said Executor to the said Ossie Smith first of all.

And I will and direct that the remainder of said money, if any, be paid to my children as follows; to-wit:-

To Ossie Smith, 30 % of the whole;

" Grady Smith, 25 " " " " ;

" Blanche Barnett, $\frac{20}{75}$ " " " " ;

(Carried to page 2)

Brought from Page 1 = 75 %

To John B. Smith 15 %;

" Richard J. Smith ===== $\frac{10}{100}$ %

- (2) , If there is no said money as the above; or if there is not enough to pay the said Ossie Smith the said account of \$178.84, I direct and will the said account or remainder thereon, be paid to the said Ossie Smith out of any moneys coming from my Ins. Policy - see said Book 3, Page 45: where it is shown that bal. due on said Policy will now be only \$1126.30; and that the remainder of Insurance money be equally divided between my five said children as direct in my will, made March 13, 1928.

(The Two Bonds of \$50 ea. = \$100.00, referred to in said Will have been used.)

Witness my hand and signature, this the 28th day of July, 1928.

Addison B. Smith. (Sealed)

Witnesses:

B. E. Robinson

J. H. Mintz

Everett Cook.