

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

A paper writing purporting to be the last Will and Testament of Daniel Webster Whisenhunt deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by John M. Whisenhunt the executor therein mentioned, and the due execution thereof by the said Daniel Webster Whisenhunt is proved by the oath and examination of J. H. Abernathy and J. H. Christy, the subscribing witness thereto, who being duly sworn, each 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 the last Will and Testament of Daniel Webster Whisenhunt; that the said Daniel Webster Whisenhunt, 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 2nd day of April, 1931.

And this deponent further saith, that the said Daniel Webster Whisenhunt 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 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 Daniel Webster Whisenhunt 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.

J. H. Abernathy
 J. H. Christy

Generally sworn and
 subscribed, this 26th
 day of September, 1931,
 before me,

J. E. Keener,
 Clerk Superior Court.

North Carolina } ss. In the Superior Court..
 Cherokee 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 Daniel Webster Whisenhunt, deceased. Let said Will, together with the probate, be recorded and filed.

This 26th day of September, 1931.

J. E. Keener,
 Clerk Superior Court.

North Carolina,
 Cherokee County.

I, Daniel Webster Whisenhunt, of said State and County, being of sound mind and memory, 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 relatives and friends, and pay all of my funeral expenses, together with all of my just debts, out of the first moneys which may come into his hands belonging to my estate.

Second: I give and bequeath to my beloved wife, Francis Barroghs Jones Whisenhunt, who has so faithfully served and nursed me during my declining days, and who has aided and assisted me in the preservation of my estate, the following real estate, to wit: All of that parcel or lot of land lying and being on the South side of Highway No. 10, and adjoining Tatham Creek, containing approximately three acres, the same being a part of the tract of land where I now reside, for her to have and enjoy forever.

Third: I will and bequeath to my four grandchildren to wit: the daughters of my beloved daughter, Sallie Mae Whisenhunt Taylor; Hattie Louise Taylor, Sarah Mae Taylor, Rosie Marie Taylor and Ruth Taylor. All of that parcel or lot of land including the building and so much of the fixtures contained in said building at the time of my death, the same being situated on the North side of Main Street in the town of Andrews, Cherokee County, N. C., and being known as the Star Market where L. O. Caldwell is, at the present time, conducting a Market and grocery store; subject however, to the following reservations and exceptions: That my beloved wife, Francis Barroghs Jones Whisenhunt, and my beloved daughter, Sallie Mae Whisenhunt Taylor, shall share equally in the rents and profits accruing out of said property during their natural

lives, to the end that each the said Francis Barroghs Jones Whisenhunt and Sallie Mae Whisenhunt Taylor shall share equally in the maintenance and upkeep of said property including the taxes and insurance during the term of their natural lives.

Fourth: I further will and bequeath to my beloved wife, Francis Barroghs Jones Whisenhunt, the sum of One Thousand Dollars in money, together with all of my house-hold and kitchen furniture, two shares of stock in the Merchants and Manufacturers Bank of Andrews, N. C., and one Wylie Knight Automobile, all of said personal property to be turned over and delivered by my executor herein-after named to my said wife, Francis Barroghs Jones Whisenhunt, immediately following my death.

Fifth: It is my further will and request that all of my personal property that I may be possessed of at the time of my death not herein-before mentioned, including money on hand, live stock, farm implements, notes, debts due me, or any and all other personal effects shall be equally divided between my six children to wit: John M. Whisenhunt, Nera Whisenhunt Allen, Ocea Lee Whisenhunt Sawyer, William Robert Whisenhunt, James Eric Whisenhunt, and Sallie Mae Whisenhunt Taylor, for them to have and enjoy equally forever.

Sixth: It is my further will and request that the remainder of my real estate, consisting of my home and farm lying between State Highway No. 10 and the Southern Railway, be equally divided between my six children to wit: John M. Whisenhunt, Nera Whisenhunt Allen, Ocea Lee Whisenhunt Sawyer, William Robert Whisenhunt, James Eric Whisenhunt and Sallie Mae Whisenhunt Taylor, to the end that each

of my said six children shall share equally in said farm and premises according to its true value in money; And should my executor herein-after named find it more advantageous and to the better interest of my said children to sell said farm and premises either in parcels or as a whole, he is hereby authorized and empowered, and I so direct that he shall sell the same at private sale and to equally divide the proceeds of such sale between my said six children herein-before named, subject however, that my said wife, Francis Barroghs Jones Whisenhunt, shall have the right and privilege to occupy the dwelling, barns, stable and other out houses including the garden free and clear of any rents or charges until such time as a division shall be made of said lands and premises, or a sale shall be made therefor and possession demanded, by the rightful owner or claimants to said houses and premises.

Seventh: It is my further will and request that my executor herein-after named shall be required to pay to the Merchants and Manufacturers Bank of ^{and City} ~~Andrew~~ N. C., a certain Note for Two Hundred Dollars that I am the endorser thereon; Otherwise should my executor find it necessary and be required to pay off said note out of the proceeds of my estate by reasons of my said endorsement, then in that event my said executor shall deduct the amount of said note and all interest thereon accrued and paid by him out of my estate from the one-sixth interest herein-before allotted to my son, the said James Eric Whisenhunt to the end that he shall share equally with my other five children in my estate as herein-before provided less the sum paid by my said executor on said note and interest.

Eighth: It is my further will and request, and I so instruct and direct that my said six children herein-before named, or anyone or more of them that may be indebted to me by reasons of personal loans of money made by me to them shall not be collected, or any demand made upon them for the payment of any such sums, but such sums as may be due to my estate by them or any one or more of them by reasons of said loans is hereby forever cancelled and donated to them as their portion of my said estate; And it is further my will and request, and I so direct that my executor should not pay any claim, if any should be presented, to any one of my said six children for any interest in my estate except as herein-before provided for the equal distribution thereof.

Ninth: I hereby constitute and appoint my trusty son, John M. Whisenhunt, my lawful executor to all intents and purposes, to execute this my last will and testament, according to the true intent and meaning of 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 Daniel Webster Whisenhunt, do hereunto set my hand and seal, this the 2nd day of April, 1931.

Daniel Webster Whisenhunt (SEAL)

Signed, sealed, published and declared by the said Daniel Webster Whisenhunt to be his last will and testament in the presence of us, who, at his request and in his presence, and in the presence of each other, do subscribe our names as witnesses