

North Carolina

Cherokee County

In the name of God, Amen.

I, E. M. Clayton, of Cherokee County, N. C., being of sound mind and disposing mind and memory, but being now sick in body, do make, publish and declare this my Last Will and Testament.

I direct that after my death my body be given a decent burial in accordance with the wishes of my wife and family, and that the expenses of my sickness and burial together with my just debts be paid out of my estate by my executors hereinafter named.

I devise to my beloved wife, Betta Clayton, for and during her natural life, all my property of every kind, real and personal.

After the death of my said wife I devise to my son, Eddy Clayton, the Braigmiles place containing 85 acres, part of Tract No 22 in District No 3, being described in a deed from J. M. Braigmiles to E. M. Clayton dated Aug 30, 1898, registered in Cherokee County in Deed Book No 5 page 491, to which reference is made, less a parcel sold to the Knoxville & Nashville Railroad Company, about 4 acres, and about 22 acres sold to Walter Gibson, and about 1 acre sold to Frank Tate to deeds to whom made by me and my wife reference is made for proper description.

After the death of my said wife I devise to my son, Stanley Clayton, 85 acres more or less, being part of Tracts No 27 and 31, in District No 3, described in a deed from W. J. Dotson and wife to E. M. Clayton, dated Sept. 4, 1917, registered in Cherokee County Oct 26, 1920 in Deed Book No 75 page 307 to which reference is made for proper description.

The remainder of my lands, consisting of about 56 acres (balance now owned by me) conveyed to me by L. J. Beal and wife by deed dated Feb 22, 1904, Part of Tract No 23, see Deed Book No 13 p 289, and

the James L. Henry and Eliza A. Henry interest in Tract No 26, Dist 3, I hereby devise to my two daughters, Tammie Dockery and May Ellensburg, share and share alike, to take effect after the death of my said wife.

I direct that my Executor to turn over to my successor as guardian of Elfreda Solerbee about \$300.00 in cash on hand less expenses of \$40.00 or \$50.00 to be shown by my account; and certificate of deposit and checking account in the Cherokee Bank, as soon as such successor be legally appointed.

Thereby name and appoint my said two sons, Eddy Clayton and Stanley Clayton the Executors of this Will and direct that they be permitted to qualify and serve without bond being required of them in regard to my estate: hereby revoking any wills by me heretofore made.

Witness my hand and seal this March 17, 1933

E. M. Clayton ^{his} mark 

Signed, sealed, published and declared by E. M. Clayton 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 hereunto subscribe our names as witnesses, this March 17, 1933

James H. Lorisph
B. L. Padgett.

State of North Carolina

Cherokee County.

} ss. In the Superior Court.

A paper writing purporting to be the last Will and Testament of E. M. Clayton, deceased, is exhibited before me, the undersigned, clerk of the Superior

Court for said county, by body Clayton and Stanley Clayton the executors therein mentioned, and the due execution thereof by the said E. M. Clayton is proved by the oath and examination of James H. Grish and B. L. Padgett, 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 now shown him, purporting to be the last Will and Testament of E. M. Clayton; that the said E. M. Clayton, 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 17th day of March, 1933.

And this deponent further saith, that he said E. M. Clayton 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 an attesting witness thereto, as aforesaid, the said E. M. Clayton 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 20th day of March, 1933, before me.

James H. Grish
B. L. Padgett.

J. E. Keener,
Clerk Superior Court.

North Carolina
Cherokee County. } ss.

In the Superior Court.

It is therefore considered and adjudged by the Court that the said paper writing and any part thereof is the last Will and Testament of E. M. Clayton, deceased.

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

This 20th day of March, 1933.

Recorded & Filed March 29/1933

J. E. Keener, Clerk Superior Court.

North Carolina,
Cherokee County

I Mary Jane Lovingood 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 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 in fee simple to my son Elisha Lovingood all my household and kitchen furniture including all of the things of every description in the house at my death

(Third) My desire and will is that if there should remain any of my estate not otherwise disposed of, that my executor shall divide the same equally share and share alike between all of my children

(Fourth) I hereby constitute and appoint my son Noah Lovingood 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.

In Witness whereof I the said Mary Jane Lovingood do hereunto set my hand and seal this 27th day of Feb 1933

Mary Jane^{her} Lovingood (Seal)
mark

Signed, Sealed, published and declared by the said Mary Jane Lovingood to be her last will and testament in the presence of us who at her request and in her presence and in the presence of each other do subscribe our names as witnesses thereto

Witnesses

Eva Humber (Seal)

Bertha Nephart (Seal)