

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

A paper writing purporting to be the last Will and Testament of H. N. Wells, deceased, is exhibited before me, the undersigned, Clerk of The Superior Court for said County, by Mrs. Margaret Wells Frank E. Haynes and H. V. Wells the executors therein mentioned, and the due execution thereof by the said H. N. Wells is proved by the oath and examination of L. E. Bayless, D. M. Birchfield and J. D. Mallonee, the subscribing witness 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 the last Will and Testament of H. N. Wells; that the said H. N. Wells, 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 3rd day of January, 1930.

And this deponent further saith, that the said H. N. Wells 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, the said H. N. Wells, 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.
L. E. Bayless
D. M. Birchfield
J. D. Mallonee.

Generally sworn and subscribed,
This 12th day of March, 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 H. N. Wells, deceased. Let said Will, together with the probate, be recorded and filed.

This 12th day of March, 1931.

J. E. Keener,
Clerk Superior Court.

North Carolina, Cherokee County.

I, Horace N. Wells, of the County of Cherokee, and state of North Carolina, being in good bodily health, and of sound and disposing memory, calling to mind the frailty and uncertainty of life, and being desirous of settling my worldly affairs, and directing how the estate with which it has pleased God to bless me shall be disposed of after my death, while I have strength so to do, do hereby make, publish and declare this my last Will and testament, hereby revoking and making

Null and void all other wills and testaments by me heretofore made. And, first, I commend my immortal being to Him who gave it, and my body to the earth, to be buried without any unnecessary expense or ostentation by my executors hereinafter named. It is my will and desire that my body be buried in the cemetery in the Town of Waynesville, North Carolina, on a lot I own there.

First. I give and bequeath to my beloved wife, Margaret Wells, all of my household furniture and utensils, except my piano which I give and bequeath to my grand daughter, Frances Wells, daughter of my son Vincent Wells.

Second. I give and devise to my beloved wife, Margaret Wells, my home in East Murphy, N.C., being on the North side of State Highway No. 10, which adjoins the property of Mrs. Clara Sherill, to be hers during the period of her natural life. After her death I devise said house and lot to my daughter, Mrs. Daisy Haynes and my son H. V. Wells and my two grand daughters, Mrs. Marlett and Mrs. Marrow, daughters of my deceased son, Ralph G. Wells. My daughter, Mrs. Daisy Haynes taking an undivided one third interest and my son H. V. Wells taking an undivided one third interest and my said two grand daughters, Mrs. Marlett and Mrs. Marrow taking the other one third undivided interest.

Third. I give devise and bequeath all of the rest and residue of my property, both real and personal and mixed, wherever situate, of which I may die seized and possessed, or to which I may be in any way entitled, or in which I may be interested at the time of my death, to my wife, Margaret Wells, she to take one fourth, my son H. V. Wells, he to take one fourth, my daughter, Mrs. Daisy Haynes, she to take one fourth

And my two grand daughters, Mrs. Marlett and Mrs. Marrow, daughters of my deceased son, Ralph G. Wells, they to take the other fourth. That is I direct that said property be divided into four equal shares and that my wife, Margaret Wells take one fourth, my son H. V. Wells take one fourth, my daughter, Mrs. Daisy Haynes, take one fourth and that my two grand daughters, Mrs. Marlett and Mrs. Marrow take the other fourth.

Fourth. I nominate and appoint my wife Margaret Wells, my son-in-law, Frank E. Haynes, and my son, H. V. Wells, as the Executors of this my last will and testament, to all intents and purposes to carry out this my last will and testament, according to the true intent and meaning of the same, and every part and clause thereof. It being my desire that they be not required to make bond.

In witness whereof, I, the said Horace N. Wells, do hereunto set my hand and seal, this the 3rd, day of January, 1930.

H. N. Wells (Seal)

Signed, sealed, published and declared by the said Horace N. Wells, 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 thereto.

This January the 3rd, 1930.

L. E. Bayless
D. M. Birchfield
J. D. Mallonee.

Filed March 12th - 1931
Recorded March 13th - 1931.