

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

A paper writing purporting to be the last Will and Testament of Hezekiah Thurman Hamby deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said county, by J. H. McCall the executor therein mentioned, and the due execution thereof by the said Hezekiah Thurman Hamby by the oath and examination of G. B. Hill and J. O. Bates two of 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 the last Will and Testament of Hezekiah Thurman Hamby; that the said Hezekiah Thurman Hamby in the presence of this deponent subscribed his name at the end of said paper writing, which is now shown as aforesaid, which bears date of the 28 day of April 1915

And the Deponent further saith, that the said Hezekiah Thurman Hamby 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 Hezekiah Thurman Hamby 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 9 day of
April 1925, before me.

E. E. Davis
Clerk Superior Court

G. B. Hill
J. O. Bates

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 Hezekiah Thurman Hamby deceased. Let the said Will, together with the probate, be recorded and filed.

This 9th day of April 1925

E. E. Davis
Clerk Superior Court.

(Will)

State of North Carolina.
Cherokee County.

"I- Hezekiah Thurman Hamby of Cherokee County North Carolina, 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 of my just debts, out of the first moneys which may come into his hands belonging to my estate.

(Second) I give to my beloved wife Dorthula Hamby the sum of Ten Dollars (\$10.00) to be paid out of my Estate by my Executor.

(Third) To my Sons Marion Hamby, Harry Hamby, Dewey Hamby, Ambrous Hamby, and Pickens Hamby. I give and bequeath

To each one the sum of Ten Dollars (\$10.00.), to be paid by the estate.

(Fourth) To my daughters Ida Morrow, Cora Hamby, Leatha Hamby and Clara Hamby, I give and bequeath to each one of them the sum of Ten Dollars (\$10.00.) to be paid by my estate.

(Fifth) To my four sons viz, Stanley Hamby, John Quince Hamby, Pryor Hamby, and ^{and Curtis Nash Hamby} I give & devise the following Real estate in Cherokee County, North Carolina, viz:

1), One Tract of land in Beaverdam Township containing about Seventy four acres: known as the Wilcox Land:

One Tract of land containing about Eighty Acres known as the John Wilcox place:

One tract of land containing about fifty acres known as the Dan Wilcox Place:

Seventy Five acres of land known as the Andrew Welch land.

One half interest in the Ross Smith place (containing about two hundred and twelve acres.

One hundred Acres of land ^{known} as the Jule Ingram Land. all of the above mentioned lands being in Beaverdam Township in Cherokee County, North Carolina. Also a tract of Eighty acres known as the Jule Ingram Entry.

One Hundred acres of Mountain land in Shoal-creek Township in said County and State known as the Edmund McRobb Land.

Also my interest in the David McRobb place (which is a right to use the said land and all that there is on the same until it is covered by water by a Dam built by the Carolina Tennessee Power Company:

(Sixth) To my four sons Stanley Hamby, John Quince Hamby, Pryor Hamby

and Curtis ^{Nash} Hamby, I give and bequeath the following personal property: All of my Horses, Mules, Cattle Hogs and sheep and all Monies on hand after the burial expenses and other necessary expenses have been met by my executor.

This personal property shall be equally divided in kind or in value between the said Stanley Hamby, John Quince Hamby, Pryor Hamby and Curtis Nash Hamby.

(Seventh) I hereby constitute and appoint my trusted friend, J. H. McCall 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 Hezekiah Thurman Hamby do hereunto set my hand and seal This the 28th day of April 1915

Hezekiah ^{his} Thurman Hamby _{mark}

Signed Sealed published and declared by the said Hezekiah Thurman Hamby 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 ~~us~~ ^{each other} do subscribe our names as witnesses thereto.

Witnesses.

Witness.

Witness.

L. B. Hill

J. R. Bates,

J. C. Bates

Recorded April 23, 1925,

To each one the sum of Ten Dollars (\$10.00.), to be paid by the estate.

(Fourth) To my daughters Ida Morrow, Cora Hamby, Leatha Hamby and Clara Hamby. I give and bequeath to each one of them the sum of Ten Dollars (\$10.00.) to be paid by my estate.

(Fifth) To my four sons viz, Stanley Hamby, John Prince Hamby, Pryor Hamby, and ^{and Curtis Nash Hamby} I give + divide the following Real estate in Cherokee County, North Carolina, viz:

(1), One Tract of land in Beaverdam Township containing about Seventy four acres: known as the Wilcox Land;

One Tract of land containing about Eighty Acres known as the John Wilcox place;

One tract of land containing about fifty acres known as the Dan Wilcox Place;

Twenty Five acres of land known as the ^{Edmond} Welch Land.

One half Interest in the Ross Smith place (containing about two hundred and twelve acres.

One Hundred Acres of land ^{known} as the Jule Ingram Land. all of the above mentioned lands being in Beaverdam Township in Cherokee County, North Carolina. Also a tract of Eighty acres known as the Jule Ingram Entry.

One Hundred acres of Mountain land in Shoal Creek Township in said County and State known as the Edmond M^cNabb Land.

Also my interest in the David M^cNabb place (which is a right to use the said land and all that there is on the same until it is covered by water by a Dam built by the Carolina Tennessee Power Company;

(Sixth) To my four sons Stanley Hamby, John Prince Hamby, Pryor Hamby

and Curtis ^{Nash} Hamby, I give and bequeath the following personal property: All of my Horses, Mules, Cattle Hogs and sheep and all Moneys on hand after the burial expenses and other necessary expenses have been met by my executor.

This personal property shall be equally divided in kind or in value between the said Stanley Hamby, John Prince Hamby, Pryor Hamby and Curtis Nash Hamby,

(Seventh) I hereby constitute and appoint my trusted friend, J. H. McCall 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 Hezekiah Thurman Hamby do hereunto set my hand and seal this the 28th day of April 1915

Hezekiah ^{his} Thurman Hamby ^{mark}

Signed Sealed published and declared by the said Hezekiah Thurman Hamby 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 ~~us~~ who at each other do subscribe our names as witnesses thereto.

Witnesses.

Witness.

Witness.

C. B. Hill

J. N. Bates,

J. O. Bates

Recorded April 28, 1925,

North Carolina,
Cherokee County.

Superior Court.

In Re The Last Will and
Testament of H. W. Ledford.
Deceased.

To the Clerk of the Superior Court of Cherokee County:

E. M. Clayton being duly sworn says he is the husband of Selvy B. Clayton, formerly Selvy Ledford, daughter of H. W. Ledford above named, that said H. W. Ledford died in Cherokee County many years ago leaving a last Will and Testament which was duly probated in said County on the 12th day of September, 1879, and filed and ordered to be recorded, wherein among other things the said H. W. Ledford devised certain lands to the said Selvy Clayton; that by some means and in some way and manner unknown to affiant the party recording said will failed to copy the same as it was executed by the said H. W. Ledford so that the same does not speak his will with regard to said property, as an inspection of the record of last Will and a comparison of said Will with the record itself will show; that as above set forth the said Will has been properly probated, and affiant respectfully asks that said Will be duly recorded as written and executed by the said H. W. Ledford to the end that it may speak his will.

E. M. Clayton Affiant
Subscribed and sworn to before me this May
26th, 1925

E. E. Davis C. S. C.

Upon the foregoing affidavit of E. M. Clayton and an inspection of the Will of H. W. Ledford on file in my office, and a comparison of said Will with said record; it appears that in recording same the said last will and testament of said H. W. Ledford was not properly recorded so that

said record is not a true and correct copy of said will and testament,

It is thereupon considered, ordered and decreed by the Court that the said Will has been duly proven, and heretofore recorded in Book A at page 20 of Wills in this office, be re-recorded to the end that it may be a true copy of said last Will and Testament.

Witness E. E. Davis, Clerk, this May 26th, 1925.

E. E. Davis C. S. C.

State of North Carolina } Office of Judge of Probate
Cherokee County } September the 12th 1879

A paper writing purporting to be the last Will and Testament of H. W. Ledford deceased, is exhibited for probate in open Court by Loussnda Ledford his wife.

And the due execution thereof is duly proven by the oath of J. B. Axley and J. S. Chastain the subscribing witness thereto, it is therefore considered by the Court that the said paper writing and ever part thereof is the last Will and Testament of the said H. W. Ledford.

And the same is ordered to be recorded and filed.

Witness Jas. C. Axley Judge of Probate at
office in Murphy the date above written.

Jas. C. Axley Judge of Probate

I H. W. Ledford of The County of Cherokee and State of North Carolina being of sound mind and disposing memory, do make ordain declare and publish, this as my last will and testament in manner and form following that is to say - First it is my will and desire that my wife Loussnda Ledford, have hold possess occupy and enjoy during her natural life, the tract of land on which I now live, it being tract No 26.