

North Carolina } (In The Superior Court
 Cherokee Co. } Before the Court

In the matter of the will of J. H. Stalcup deceased, the paper hereto attached and purporting to be the last will and testament of J. H. Stalcup deceased is exhibited before the undersigned Clerk of the Superior Court of Cherokee County, North Carolina by M. E. Stalcup the executor thereon named, and thereupon the following proof thereof was taken by oath and examination of F. L. Smith and J. L. Chaстанin the subscribing witnesses thereto.

as follows:

North Carolina Cherokee County
 F. L. Smith and J. L. Chaстанin being duly sworn depose and say that he is a subscribing witness to the said paper now shown him purporting to be the last will and testament of J. H. Stalcup. They and each of them saw him sign or execute this his last will and testament and he was of sound mind and disposing memory.

F. L. Smith

J. L. Chaстанin

Solemnly subscribed and sworn to before me. This Jan. 5th 1923

E. E. Davis

Clerk Superior Court

Cherokee County

and therefore it is considered and adjudged by the Court that the said paper writing and every part thereof is the last will and testament of J. H. Stalcup deceased

and it is ordered that the same as with the foregoing certificate be recorded and filed.
 This January 5th 1923

E. E. Davis

Clerk Superior Court.

State of North Carolina.

Cherokee County

I J. H. Stalcup of Cherokee County, N. C. 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 my just debts, out of the the first moneys which may come into his hands belonging to my estate.

Second: I give and devise to my beloved wife Martha Stalcup, all of the proceeds of my farm in Cherokee County, N. C. together with all of stock tools and wagons during her natural life, and that she is to have full control over all of my house and the improvements so long that she lives. It is my desire that she pay all of the taxes that is due and that wrap become due on the place and on the stock and farming tools and other properties.

Third: I will and devise to my daughter Eller Stalcup a part of my real estate which I subdivided into two parcels and for the purpose of the description number one part, one and the other part two.

I devise to Eller Stalcup part one described as follows:

Beginning on the North West corner of the Miller Lot and running a North direction to the Southwest corner to the Pasture Fence. Then with the Fence to the Meadow. Then a West course with the road to a Branch st. Then down the branch to the creek. Then up the creek to the mouth of a Ditch. Then up said ditch to a bridge. Then a Western course with its meanders of the Hollow to a Gap where an old road starts down to the creek. Then a Western course to the creek. Then down the creek to Lt. Mortimer Line. Then South with the original line to a Black Oak Grove (The South West corner of Tract Number 102) Then East to the beginning it being a part of Tract Number 102 in third Dist containing forty acres more or less.

Fourth: I give and devise to my following children: Viz: M. E. Stalcup, Lizzie Chastain, Dell Bonley, H. L. Stalcup, Laura Lounigood and A. B. Stalcup Part Number Two of Tract Number 102 the remaining part of my real estate to be equally divided between them and their heirs.

Fourth: I hereby constitute and appoint my Son M. E. Stalcup 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 every clause thereof, hereby revoking and declaring utterly void all other wills and testaments by me heretofore made.

In witness whereof, I the said J. H. Stalcup do hereunto set my hand and seal, this the 8th day of October 1921
J. H. Stalcup (Seal)

Signed, Sealed and published and declared by the J. H. Stalcup 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.

Witnesses:

F. L. Smith

J. L. Chastain

G. F. Chastain, Jr.

Recorded January 5th 1923,

E. E. Davis, C.S.C.

By J. E. Kerner, Deputy C.S.C.