

and which bears date of the 3rd day of October, 1933.

And this Deponent further saith, that the said W.S. Hughes 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 W.S. Hughes 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 this deponent says, not.

Sincerely sworn and subscribed,
this 4th day of May, 1934, before

J.E. Keener,
Clerk Superior Court.

North Carolina } ss.
Cherokee County.

In the Superior Court

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 W.S. Hughes, deceased.

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

This 4th day of May, 1934.

J.E. Keener
Clerk Superior Court.

North Carolina - Cherokee County. In Superior Court.
In Re: Before The Clerk

Last will and Testament
of Joanna E. Baxter, deceased.

North Carolina, Cherokee County - In the Superior Court

It appearing, to the satisfaction of the Court from the exemplification of the record hereinafter mentioned, that the last will and Testament of Joanna E. Baxter, deceased, a citizen of Cook County and State of Illinois, has been duly proved and allowed in the proper court of probate of said county and State, according to the laws of said State, and it further appearing that the said Joanna E. Baxter left property in the County of Cherokee and State of North Carolina; It is therefore ordered and adjudged that the exemplification of said will and of its probate in the proper court of Cook County, and State of Illinois which has been produced and exhibited here duly certified and authenticated, be allowed, filed and recorded in this Court in the same manner as if the original and not the copy had been produced, proved and allowed before the undersigned Clerk. And it appearing affirmatively in the certified probate or exemplification of the will aforesaid that the said will is executed according to the laws of the State of North Carolina, hereupon it is adjudged that the said will has been duly proved and that the same is the last will and Testament of the said Joanna E. Baxter, and it is ordered that the same, together with this certificate, be recorded and filed.)

This 28th day of April, 1934.

J.E. Keener,
Clerk Superior Court.

State of Illinois } ss.
County of Cook.

In the Probate Court of Cook County

In the Matter of the Estate of
 of
 Joanna E. Baxter, Deceased

Doc. 330
 Page 388
 File No. 189026

Petition

To the Honorable John F. O'Connell,
 Judge of said Court:

Your petitioners, John Baxter and The First National Bank of Chicago, a national bank organization duly authorized to accept and execute trusts, respectfully represent that they are residents of the County of Cook in the State of Illinois; that on the 27th day of November, A.D. 1933, Joanna E. Baxter, who was then a resident of the City of Chicago, Illinois, departed this life in the City of Asheville, North Carolina, leaving a Last Will and Testament duly signed and attested, as your petitioners believe, which they now present to your Honor for probate; that said Testatrix, in said Last Will and Testament, nominated your petitioners, John Baxter and First Union Trust and Savings Bank, of Chicago, Illinois, an Illinois corporation, as Executors thereof and that your petitioner, The First National Bank of Chicago, succeeded to the assets and business of said First Union Trust and Savings Bank by virtue of a consolidation effective the 17th day of July, A.D. 1933;

That the said Testatrix, in said Last Will and Testament, directed that no bond or security be required of the said John Baxter for the faithful performance of his duties as such Executor;

That your petitioners, from such examination as they have so far been able to make, feel warranted in now estimating the value of the property and effects which said decedent left as follows:

Personal Property, at about \$25,000.00
 Real Estate in the State of Illinois
 not registered under the Torrens Act None
 Real Estate in the State of Illinois

Registered under the Torrens Act

None

That said decedent left sizable estate more than sufficient to pay all debts and that the value of the whole of the Estate of said decedent is about twenty five thousand dollars (\$25,000.00).

Your petitioners further show unto your Honor that the names of all the heirs-at-law and next of kin of said decedent, their relationships to said decedent and post office addresses are as follows:

Names	Relationships	Post Office Addresses
Lewis L. Baxter,	Son	105 Chambers Avenue, Pelham, New York.
Thomas Evans Baxter,	Son	Woodland Road, Asheville, North Carolina.
Edward M. Baxter	Son	Melbourne, Florida.
John Baxter	Son	Room 1310-10 South La Salle Street, Chicago, Illinois.

Your petitioners further show unto your Honor that the names and post office addresses of all the legatees and devisees under said Last Will and Testament of said decedent are as follows:

Names	Post Office Addresses
Lewis L. Baxter,	105 Chambers Avenue, Pelham, New York.
Thomas Evans Baxter,	Woodland Road, Asheville, North Carolina.
Edwin M. Baxter.	Melbourne, Florida.
John Baxter.	Room 1310-10 South La Salle Street, Chicago, Illinois.

John Baxter and First Union Trust and Savings Bank, of Chicago, Illinois (now The First National Bank of Chicago by virtue of a consolidation effective July 17, 1933) as Trustees under the Last Will and Testament of Joanna E. Baxter, Deceased.

Monroe, Dearborn and LaSalle
 Streets, Chicago, Illinois.

Your petitioners further show that their places of residence are as follows:

The First National Bank of Chicago, Monroe, Dearborn and Clark
Streets, Chicago, Illinois.

John Baxter,
Room 1310 - 40 South La Salle
Street, Chicago, Illinois,

and that they are willing to undertake and accept the trusts confided to them under said Last Will and Testament.

Wherefore your petitioners pray that said Last Will and Testament may be admitted to probate and letters testamentary thereon may be issued to John Baxter and The First National Bank of Chicago, after proper hearing and proof and that the hearing on this petition be set for the 11th day of December, A.D. 1933, at two o'clock P.M., or as soon thereafter as the matter can be heard and that all necessary orders may be made and all necessary proceedings had in the premises.

Your petitioners further represent unto your Honor that Arthur Kehoe, C.E. Troughbear and John A. Powers are persons of discretion not related to said decedent nor interested in the administration of her estate, and they respectfully recommend their appointment by the Court as appraisers.

(Signed) John Baxter
The First National Bank of Chicago,
by H. H. Benjamin
Its Personal Trust Officer

State of Illinois } ss.
County of Cook }

John Baxter, being first duly sworn, on oath deposes and says that he has read the foregoing petition by him subscribed; that he knows the contents thereof and that the same is true in substance and in fact.

(Signed) John Baxter

Subscribed and sworn to
before me this 11th day

of December, A.D. 1933.

Signed J. Peterson
Notary Public

State of Illinois)
County of Cook } ss.

H. H. Benjamin, being first duly sworn, on oath deposes and says that he is a Personal Trust Officer of The First National Bank of Chicago; that he has read the above petition and foregoing petition by him subscribed as such Personal Trust Officer; that he knows the contents thereof and that the same is true.

(Signed) H. H. Benjamin

Subscribed and sworn to
before me this 11th day
of December, A.D. 1933.

C. E. Troughbear
Notary Public

Filed
Dec. 11 / 33
Mitchell C. Robinson
Clerk

I, Joannna C. Baxter, of the City of Chicago, County of Cook and State of Illinois, do hereby make and declare the following to be my Last Will and Testament, hereby revoking all former wills by me made.

First: I direct that all debts owing by me shall be paid as soon as practicable after my death.

Second: All the rest, residue and remainder of the property, real, personal or mixed, of whatsoever character, wheresoever situate and whenever acquired, of which I may die seized or possessed or which I may own or have any interest in at the time of my death, shall be distributed by my Executors, hereinafter named, in manner following:

(a) One-half (1/2) thereof to my four sons, John Baxter,

of Chicago, Illinois, Lewis L. Baxter, of Pelham, New York, Thomas Evans Baxter, of Asheville, North Carolina, and Edwin M. Baxter, of Tallahassee, Florida, share and share alike.

- (b) One-half (1/2) thereof to my son, John Baxter, and First Union Trust and Savings Bank of Chicago, Illinois, an Illinois corporation, or such corporation as shall succeed to the assets and business of said First Union Trust and Savings Bank by reason of consolidation, merger or otherwise, to have and to hold as Trustees for the following uses and purposes:

- (1) Inasmuch as one of the purposes of placing one-half (1/2) of my estate in trust as aforesaid is to provide an opportunity for the liquidating of certain real estate now held by me, I direct that preference shall be given to the personal property, as opposed to the real property, in segregating that portion of my estate which shall be distributed forthwith upon my death to my sons, as hereinabove provided.
- (2) The Trustees shall proceed with the sale of any real property in the trust estate as soon after my death as shall be to the best interests of my estate.
- (3) The Trustees may, in their sole discretion, pay and distribute to my four sons, John Baxter, Lewis L. Baxter, Thomas Evans Baxter and Edwin M. Baxter, share and share alike, from time to time such portions of the income and/or principal of the

trust estate as in the sole judgment of the Trustees may not be required for the conservation and maintenance of the real estate then in their hands.

- (4) Five years after the day of my death, or as soon after my death and within said period of five years as in the sole judgment of the

Joanna E. Baxter

Trustees shall be to the best interests of the estate, the Trustees shall pay and distribute the principal of the trust estate, as it may then be constituted, together with any and all accumulated and undistributed net income therefrom, among my four sons, John Baxter, Lewis L. Baxter, Thomas Evans Baxter and Edwin M. Baxter, share and share alike.

Third: In the event that any one of my four sons shall not survive me, or surviving me shall die prior to the complete distribution of the aforesaid trust estate, then that portion of my estate which such deceased son would have been entitled to receive had he continued to survive, shall be retained by my said son, son Baxter, and said First Union Trust and Savings Bank, as Trustees, for the following uses and purposes:

- (a) The Trustees shall divide the share of my estate which such deceased son would have been entitled to receive had he continued to survive, into two equal parts and shall distribute said equal parts in manner following:
 - (1) The first of said equal parts shall be set aside and held in trust for the benefit of the surviving widow of such deceased son; the entire net income therefrom to be paid to such surviving widow so long as she shall live. From and after the death of such surviving widow, or from and after my death, if my said son shall die leaving no widow then surviving, the Trustees shall hold the first of said equal parts for the benefit of the then living lawful descendants of such deceased son and shall distribute the same in accordance with the provisions of sub-paragraphs (2) and (3) following.
 - (2) The second of said equal parts shall be held in trust for the benefit of the then living lawful descendants of such deceased son; the entire net income therefrom to be paid and distributed to or

Joanna E. Baxter

for the benefit of such lawful descendants, per stirpes, until the youngest child of such deceased son, continuing to survive, shall have attained the age of thirty years; whereupon the trustees

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shall pay and distribute the principal thereof, together with any and all accumulated and undistributed net income therefrom, among the then living lawful descendants of such deceased son, per stirpes.

- (3) In the event that such deceased son shall have died leaving him surviving no child or children or leaving a child or children all of whom shall die prior to having attained the age of thirty years; then and in such event that upon my death or upon the death of the last survivor of said child or children of such deceased son, whichever event shall last occur, the trustees shall pay and distribute the principal of that portion of my trust estate which the children of my deceased son would have been entitled to receive if living, together with any and all accumulated and undistributed net income therefrom among the lawful descendants of such deceased son, if such there be, per stirpes, and if there be no such lawful descendants, then surviving, the trustees shall pay and distribute said portion of the trust estate among my surviving sons, share and share alike; provided, only, that the then living lawful descendants of any one of my sons, who may then be dead, shall take, per stirpes, the share which such last mentioned deceased son would have been entitled to receive had he continued to survive.

- (4) Anything herein to the contrary notwithstanding, any portion of the trust estate which shall be payable or distributable to any beneficiary for whose benefit a trust fund or portion of a trust fund is then being

held hereunder in addition to said trust fund or portion, shall be paid into and become a part of such trust fund or portion and be thereafter subject to all of the conditions thereof.

- (c) In the event that any one or more of the trusts created under this my Last Will and Testament shall still be in existence on a day twenty-one years after the death of the last survivor of my self and my lawful descendants in being at my death, then anything hereto the contrary notwithstanding, such trust or trusts shall immediately terminate and the trustees shall pay and distribute the principal and accumulated income therefrom to the persons who are then receiving income therefrom in the proportions that they are receiving such income.

Fourth: The trustees shall administer the several trusts hereinbefore provided for subject to the following provisions and with the following duties, powers and privileges:

Joanna E. Baxter