

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

A paper writing purporting to be the last Will and Testament of John H. Dillard, deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by Dixie Dillard the executrix therein mentioned, and the due execution thereof by the said John H. Dillard is proved by the oath and examination of J. S. Hill and Christine S. Hill, the subscribing witnesses thereto, who being duly sworn, doth depose and say, and each for him self 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 John H. Dillard; that the said John H. Dillard, 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 16th day of July, 1930.

And this Deponent further saith, That the said John H. Dillard 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 and her 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 & her name as attesting

Witness thereto, as aforesaid, the said John H. Dillard 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.

J. S. Hill
 Christine S. Hill

Generally sworn and subscribed,
 this 21st day of February, 1931,
 before me.

J. E. Keener
 Clerk Superior Court

North Carolina }
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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 John H. Dillard, deceased. Let the said Will, together with the probate, be recorded and filed.

This 21st day of February, 1931.

J. E. Keener,
 Clerk Superior Court.

Last Will and Testament of John H. Dillard

I, John H. Dillard, of the County of Cherokee and State of North Carolina, being of sound and disposing mind and memory, do make,

publish and declare this, as and for, my last will and testament, hereby revoking any and all other wills by me heretofore made.

1. I direct my executrix hereinafter named, out of the first money belonging to my estate and coming into her hands, to pay all of my just debts including the expenses of my last illness and burial.

2. I direct that a suitable head-stone be erected to mark my grave.

3. All the rest and residue of my property, of every kind and character, and wheresoever situate, I give, devise and bequeath to my beloved wife, Dixie Dillard, for her life, with the right to sell and convey any real estate I may own at my death, and any other property I may then own, and to use the proceeds of such sale in providing a comfortable support for herself and her mother during their lives, or the life of either. My said wife knows my wishes as to the disposal of my law library, and should she survive me I feel sure she will carry them out.

4. In the event my wife should fail to survive me, or at her death, I give, devise and bequeath absolutely all the property mentioned in item 3, not disposed of by her, or consumed in the use, to the Home Mission Committee, of Asheville Presbytery, a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office at Asheville in said State, with the direction that the said Home Mission Committee of Asheville Presbytery do pay the net income from what may remain of my estate, to my brother Thomas Ruffin Dillard, and my sister, Mrs. E. J. Hall, share and share alike, so long as they live, should

they both survive myself and my said wife, and in the event only one should survive, to pay the net income to said survivor. In the event neither my said brother nor sister should survive us then the said Home Mission Committee may use said property in its discretion for its work in Asheville Presbytery, while in no way restrict the uses of this property, other than as above set forth, I shall appreciate it, if it should meet with the approval of said Home Mission Committee, of Asheville Presbytery, if it will keep intact all sums derived from my estate, from the sales of property and otherwise, and designate it as the "Dixie Dillard Fund," use the income therefrom to help worthy young men and women, preferably those of my home country of Cherokee, to equip themselves to make their own way in the world, and I ask that this fund be called for my wife in grateful acknowledgment of her unfailing fidelity and helpfulness to me.

5. I nominate, constitute and appoint my said wife executrix of this my last will and testament, and it is my wish that no bond be required of her, or liability to report her acts and doing as such executrix.

In Witness Whereof I have set my hand and seal to the foregoing two typewritten pages, each of which bears my signature on the margin, my last will and testament, this July 16th, 1930.

John H. Dillard (Seal)

Signed, sealed, published and declared by John H. Dillard, the testator, 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.

J. S. Hill
Christine S. Hill

Recorded Feb. 23rd - 1931.

John H. Dillard

John H. Dillard