

presence of us, who, at her request, and in her presence, (and in the presence of each other) do subscribe our names as witnesses thereto.

A. M. Bennett,
Geo. Martin.

Recorded September 30, 1920.

Deputy Clerk.

North Carolina,
Superior Court,

Cherokee County,
Before the Clerk.

A paper writing, without subscribing witnesses, purporting to be the last will and testament of L. L. Witherspoon, deceased, is exhibited for probate in open Court by M. W. Bell, the executor therein named; and thereupon it is proved by the oath of said M. W. Bell that about 4.45 o'clock P. M. on Saturday, April 3, 1920 the said L. L. Witherspoon then handed to affiant a sealed envelope endorsed as follows; "To be opened by M. W. Bell after my death, to whose custody the contents is intrusted, L. L. W."

That thereupon he, the said M. W. Bell took said envelope and put same in his office safe and kept the same in the exact condition as when handed to him by said L. L. Witherspoon, except that he, the said M. W. Bell, noted on the said envelope the following: "Handed to me about 4.45 P. M. Apr. 3, 1920 in J. H. Woods store by L. L. Witherspoon. M. W. Bell"; until about 9 o'clock A. M. on Dec. 31, 1920, when he, the said M. W. Bell, opened said envelope and found therein the said paper writing, whereupon he, the said M. W. Bell, made the following endorsement on said envelope, viz: "Mr. L. L. Witherspoon died suddenly about 11 P. M. Dec. 30, 1920. After advising D. Witherspoon and Mr. E. B. Norvell and Mr. John H. Dillard I opened this envelope about 9 A. M. Dec. 31, 1920. M. W. Bell."

That said paper writing has been carefully kept by him ever since. The same was handed to him, as

aforsaid, by the said L. L. Witherspoon,
and has not at any time been out of his
keeping and control, nor in the keeping
or control of any other person and that
he now presents same just as it was
entrusted and delivered to him by said
L. L. Witherspoon as aforsaid.

This January 8, 1921. M. W. Bell

and Thereupon come three competent
witnesses, to-wit, H. N. Wells, L. E. Bayless
and Walter W. Hyde who being duly sworn,
do say, and each for himself doth say,
that he is well acquainted with the
handwriting of said L. L. Witherspoon, and
has often seen him write, and that
he verily believes that said paper writing
and every part thereof is in the hand
writing of the said L. L. Witherspoon,
and that the signature appended at
the end of said paper writing is in
the handwriting of said L. L. Witherspoon;
and they further say, and each for
himself doth say, that the said handwriting
is generally known to the acquaintances of
the said L. L. Witherspoon.

This January 8, 1921.

H. N. Wells,
L. E. Bayless
Walter W. Hyde.

It is Thereupon considered and adjudged
by the Court that said paper writing, and
every part thereof, is the last will and
testament of L. L. Witherspoon, deceased,
and it is ordered to be filed and
recorded in the proper book in this office

This January 8, 1921.

A. L. Johnson
Clerk Superior Court,
Cherokee County,
North Carolina.

And thereupon said M. W. Bell, executor
named in said Will, takes and subscribes
the oath provided by law and is duly qualified
as Executor of said last will and testament
of L. L. Witherspoon, deceased, This Jan. 8, 1921.

A. L. Johnson
Clerk Superior Court,

North Carolina, }
Cherokee County }

I, L. L. Witherspoon, of the aforsaid
State and County make and publish this
my last will and testament—

- 1- My debts must be paid.
- 2- Suitable tomb stone to be erected at
my grave,
- 3- I direct my executor to sell all my property,
and distribute proceeds, as follows:—
To my grand son Lucius L. Witherspoon,
jr. two hundred and fifty dollars.
Two fifths (2/5) of proceeds arising from
sale of house and lot now occupied by
my family to be paid to my wife
Margaret H. Witherspoon in lieu of dower.
To Donald Witherspoon my law library
and office furniture he to pay to his
sisters twenty five dollars each.
The proceeds arising from sale of
my property, after above disposition
to be equally divided between

my children.

My estate has no claim upon articles of household and kitchen furniture purchased by my wife since our marriage.

I bequeath my watch to my grandson L. L. Witherspoon, Jr. to be delivered to him by his father when he reaches his 18th year.

A will heretofore made is revoked for the reason that I am satisfied the above disposition will be of more benefit to those concerned.

The bequest to my wife is in full of her legal interest in my estate.

I nominate and appoint my friend M. M. Bell, Executor. April 3 - 1920.

L. L. Witherspoon (Seal)

Recorded February 15 - 1921.

Platinum 342.6

North Carolina, Cherokee County.

In the Superior Court-- Before the Clerk.

In the Matter of the Will of Sarah Sneed, deceased.

The paper writing hereto attached and purporting to be the last will and testament of Sarah Sneed, deceased, is exhibited before the undersigned Clerk of the Superior Court of Cherokee County, North Carolina, by Mrs Sneed, the executor therein named, and thereupon the following proof thereof is taken by the oath and examination of W. M. Anderson, one of the subscribing witnesses thereto, and of A. H. Davidson, as follows:

North Carolina, Cherokee County.

W. M. Anderson being duly sworn, deposes and says that he is a subscribing witness to the said paper writing now shown him, purporting to be the last will and testament of Sarah Sneed, deceased, and that he saw Sarah Sneed execute this writing as her last will and testament, and that affiant attested it in the presence and at the request of said Sarah Sneed, deceased; and that at the time of its execution said Sarah Sneed was, in affiant's opinion, of sound mind and disposing memory.

Affiant further swears that Charlie Silvey, the other subscribing witness to said will, signed the same as a witness in the presence of affiant and that affiant saw him sign the same, and that Charlie Silvey resides out of the State of North Carolina.

Subscribed and sworn to before me, this 25th day of January, 1921.

A. H. Johnson
Clerk of the Superior Court,
Cherokee County.