

Court for said county, by body Clayton and Stanley Clayton the executors therein mentioned, and the due execution thereof by the said E. M. Clayton is proved by the oath and examination of James H. Grish and B. L. Padgett, 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 now shown him, purporting to be the last Will and Testament of E. M. Clayton; that the said E. M. Clayton, 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 17th day of March, 1933.

And this deponent further saith, that he said E. M. Clayton 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 E. M. Clayton 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 20th day of March, 1933, before me.

James H. Grish
B. L. Padgett.

J. E. Keener,
Clerk Superior Court.

North Carolina
Cherokee County. } ss.

In the Superior Court.

It is therefore considered and adjudged by the Court that the said paper writing and any part thereof is the last Will and Testament of E. M. Clayton, deceased.

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

This 20th day of March, 1933.

Recorded & Filed March 29/1933

J. E. Keener, Clerk Superior Court.

North Carolina,
Cherokee County

I Mary Jane Lovingood of the aforesaid County and State 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 and pay all funeral expenses, together with all my just debts out of the first moneys which may come into his hands belonging to my estate.

(Second) I give and devise in fee simple to my son Elisha Lovingood all my household and kitchen furniture including all of the things of every description in the house at my death

(Third) My desire and will is that if there should remain any of my estate not otherwise disposed of, that my executor shall divide the same equally share and share alike between all of my children

(Fourth) I hereby constitute and appoint my son Noah Lovingood 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.

In Witness whereof I the said Mary Jane Lovingood do hereunto set my hand and seal this 27th day of Feb 1933

Mary Jane^{her} Lovingood (Seal)
mark

Signed, Sealed, published and declared by the said Mary Jane Lovingood to be her last will and testament in the 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

Witnesses

Eva Humber (Seal)

Bertha Nephart (Seal)

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

A paper writing purporting to be the last Will and Testament of Mary Jane Lovingood, deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said county, by Noah Lovingood the executor therein mentioned, and the due execution thereof by the said Mary Jane Lovingood is proved by the oath and examination of Eva Humbree and Bertha Kephart, the subscribing witness thereto, who being duly sworn, both depose and say, and each for herself depose and saith, that she is a subscribing witness to the paper writing now shown her, purporting to be the last Will and Testament of Mary Jane Lovingood; that the said Mary Jane Lovingood, in the presence of this deponent, subscribed her name at the end of said paper writing, which is now shown as aforesaid, and which bears date of the 27th day of Feb. 1933.

And this deponent further saith, that the said Mary Jane Lovingood the testatrix aforesaid, did, at the time of subscribing her name as aforesaid, declare the said paper writing so subscribed by her and exhibited to be her last Will and Testament, and this deponent did thereupon subscribe her name at the end of said Will, as an attesting witness thereto, and at the request and in the presence of said testatrix. And this deponent further saith that at the same time when the said testatrix subscribed her name to the said last Will as aforesaid, the said Mary Jane Lovingood 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.

Sworn to and
 subscribed, this 20th

Eva Humbree
 Bertha Kephart.

day of April, 1933, before me,
 J. E. Keener,
 Clerk Superior Court,

North Carolina. }
 Cherokee County. } ss. 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 Mary Jane Lovingood, deceased, Let said Will, together with the probate, be recorded and filed.

This 20th day of April, 1933.

J. E. Keener,
 Clerk Superior Court.