

State of North Carolina
Cherokee County,

ss. In The Superior Court,

A paper writing purporting to be the last Will and Testament of Mrs M.P. Cromwell deceased, is exhibited before me, the undersigned, Clerk of The Superior Court for said County by J. W. Walker The Executor therein mentioned, and the due execution thereof by the said Mrs M.P. Cromwell is proven by the oath and examination of J. E. Tidwell The subscribing witness thereto, who being duly sworn, doth depose and say, and each for himself depose and swear, that he is a subscribing witness to the paper writing now shown him, purporting to be the last Will and Testament of Mrs M.P. Cromwell, that the said Mrs M.P. Cromwell 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 3^d day of October 1929.

And the deponent further saith, that the said Mrs M.P. Cromwell the testatrix aforesaid did, at the time of subscribing her name as aforesaid, declare the said paper writing to be subscribed by her and exhibited to be her last Will and Testament, and the 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 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, and at the time of the deponent subscribing his name as attesting witness thereto, as aforesaid, the said Mrs M.P. Cromwell was of sound mind and memory, of full age to execute a Will, and was not under any restraint, to his knowledge, information or belief of this deponent, and further then deponent says not.

Solemnly sworn and subscribed this
3^d day of December 1929 before me
P. C. Hyatt

Clerk Superior Court.

J. E. Tidwell

North Carolina
Cherokee County,

Superior Court.

In Re. Last Will and Testament
of Mrs. M.P. Cromwell, deceased,

The paper writing hereto attached and purporting to be the last will and Testament of Mrs M.P. Cromwell, deceased is exhibited before the undersigned, Clerk of Cherokee County Superior Court, by John W. Walker, the Executor therein named, and thereupon the following Jurat thereof is taken by the oath and examination of D. J. E. Tidwell of Andrews North Carolina, and of John W. Walker and J. H. Abernethy of said County and State, Said D. J. E. Tidwell being one of the subscribing witnesses to said will, and his affidavit is hereto attached and made a part hereof.

North Carolina - Cherokee County,

John W. Walker being duly sworn says that he is a citizen and resident of Cherokee County, N.C. and is the Executor named in the attached Will of Mrs M.P. Cromwell, that he is familiar with the handwriting of Captain F. W. Swan, whose name is subscribed to the attached will as subscribing witness, that Affiant has often seen said F. W. Swan write, and is well acquainted with his handwriting, that the name of said F. W. Swan subscribed as a witness to said will is in the genuine handwriting of said F. W. Swan, that the said F. W. Swan, can not after due diligence be found within the State of North Carolina, he being at this time, as Affiant is informed and believes, confined in a Hospital in the District of Columbia; John W. Walker, Affiant Subscribed and sworn to before me

This December 4th 1929.

P. C. Hyatt Clerk Cherokee Superior Court.

North Carolina - Cherokee County,

J. H. Abernethy being duly sworn, says he is a citizen and resident of Cherokee County N.C. being at this time Cashier of the Merchants and Manufacturers Bank of Andrews in said County; that Affiant is well acquainted with the handwriting of F. W. Swan one of the subscribing witnesses to the paper writing purporting to be the

Last will and Testament of Mrs M.P. Cromwell, deceased, which is hereto attached, dated The 3^d day of Oct 1929, having often seen him write, and that the name of said F.W. Soren subscribed as a witness to said Will is in the genuine handwriting of the said F.W. Soren, and affiant further swears that he is well acquainted with the handwriting of Mrs M.P. Cromwell, deceased, whose Will the attached paper writing, dated The 3^d day of Oct 1929 purports to be, having often seen her write, and that the name of the said Mrs M.P. Cromwell subscribed to said Will is in the genuine handwriting of the said Mrs M.P. Cromwell. That said F.W. Soren is now confined in a hospital in Washington on account of sickness.

J.H. Abernathy, Affiant

Subscribed and sworn to before me.

This Dec 4th 1929

P.C. Hyatt, C.S.C.

Thereupon, it is considered and adjudged by the Court that said F.W. Soren, subscribing witness to the attached will of Mrs M.P. Cromwell cannot after due diligence be found in the State of North Carolina, it is further considered and adjudged by the Court that the said paper writing and every part thereof is the last will and Testament of Mrs M.P. Cromwell, deceased, and it is ordered that the same with the foregoing transmission and this certificate and docket be recorded and filed.

Witness P.C. Hyatt, Clerk of said Superior Court,
at office in Murphy N. Carolina This Dec 5th 1929

P.C. Hyatt, Clerk

Cherokee County Superior Court.

North Carolina,
Cherokee County.

I, Margaret P. Cromwell, of aforesaid County and State, being of sound mind, but considering the imminency of my earthly existence, do make and declare this my last Will and Testament.

First. My executor hereafter named shall give my body a decent burial, suitable to the wishes of my relatives and friends, and to pay all of my burial expenses and just debts out of the first money coming into his hands belonging to my estate.

Second. I have heretofore purchased from J.S. Danner of Tomalla N.C. a monument suitable to my own wishes to be placed by him at my grave, for which I have paid him the sum of one hundred and Ninety five Dollars, and for which I have his receipt. It is my will and request that my Executor shall attend in person to the placing said monument to my grave, and to further have a Cement or Marble Capping placed around my grave, and to see that my grave is neatly and carefully preserved and cared for, and to pay for such additional expense out of the first money coming into his hands out of my estate.

Third. In appreciation of the many kind acts and deeds rendered me by my devoted friend and niece by marriage, Mrs Annie Cooper, I will and bequeath to her the said Mrs Annie Cooper, all of that portion of my real estate, being a part of Tract No 51 in Rutledge Township, Cherokee County, and being more particularly described as follows. Lying and being on the North side of the Old Ingram fire road, and between Mark Cooper and a lot recently conveyed by me to W.H. Labor and wife. Ales Labor, said lot containing 20 acres more or less.

Fourth. I will and bequeath to my trusted friend Clyde Pieray, a certain lot of land situated in said Township, County and State, being the South west corner of what is known as my Home Tract, and being further known as the lot conveyed to me by my brother J. Marx Whitaker, the same containing 5 acres, reference is hereby made to said deed for a more complete description.

Fifth. I will and bequeath to my devoted niece Bettie Dillingham, a certain lot of land lying and being on the North Side of a two acre lot recently conveyed by me to her the said Bettie Dillingham and beginning on the North East corner of said lot and running same direction as the East boundary line of said lot a distance so as to include two acres parceling the East and North boundary lines and the Junaluska Creek, It being the intention of this gift to add another two acres to the original purchase to the end that the said Bettie Dillingham shall have a lot of four acres, including this gift instead of two acres as and according to her original purchase.

Fifth. My trusted friend and nephew Edward Wakefield, has kindly offered his services to become a member of my family and care for me during my declining days of my natural life, and has been with me for the past ten months, and promises to continue to remain with me so long as I live. It is therefore my will and request that the said Edward Wakefield shall have a sufficient amount of my Estate to pay him a reasonable sum for his time and services.

I therefore devise and bequeath to him all of that portion of what is known as my home place consisting a part of tracts No 1 and 2. and lying East of the road leading from the old Lime Run in the direction of the residence of Mark Cooper, excepting and reserving such portions as are therein disposed of. Said lots containing the House, Garden and premises where I now reside, and approximately two acres more or less. It is my further will and request, that should I be permitted by the Mercies of God to continue to live beyond my present expectation, and should the said Edward Wakefield continue to abide with me, and to look after my needs and requirements in the future as he has in the past, to the extent that in the judgment of my Executor the said Edward Wakefield should be entitled to more as a reasonable remuneration for, for his said services than the actual cash value of the lands and premises herein appropriated, then it shall be the duty, and I hereby authorize and empower my said Executor to pay to him said Edward Wakefield such additional sums in either land or money as in the judgment of my said Executor may be a reasonable remuneration for his services according to the time and service that the said Edward Wakefield has performed. It being my will and

request that he should be amply paid for his time and services, which amount I am unable to determine, not knowing how long I may be permitted to live.

Sixth It is my will and request that my Executor shall at his option, and at such a time as he may decide that he has a reasonable and fair offer for the purchase of the remainder of my real Estate consisting of what is known as my farm lands, or any other lands not herein disposed of, to sell and convey said lands, and deposit the proceeds from such sale to my credit, together with any and all other moneys that I may have in my possession or on deposit in Bank or otherwise, or in any other way or manner belonging or accruing to my estate, and to dispose of the same as here-tofore and hereafter provided for as follows.

Seventh. I will and bequeath to my grand son Rex Cromwell the sum of One Hundred Dollars, to be paid out of my Estate.

Eighth. I will and bequeath to my friend John Maloy the sum of One Hundred Dollars, to be paid out of my Estate.

Ninth. I will and bequeath to my friend Harve Bryson the sum of One Hundred Dollars.

Tenth. I will and bequeath to my friend Lawrence Bryson the sum of One Hundred Dollars.

Eleventh It is my further will and request that my Executor shall place at the grave of my deceased friend Matt Bryson a monument not to cost more than Forty Dollars.

Twelfth. It is my further will and request that my Executor shall make ample provisions for the maintenance and upkeep of that portion of the Valley Town Cemetery, that is now or may hereafter be occupied as burial ground for the immediate families of my father, the late Stephen Whitaker Thirteenth. It is my will and request that my Executor shall equally divide according to its true money value, all of the remainder of my personal estate, consisting of House hold and Kitchen Furniture, Stock, Poultry, Farm Implements, and any other personal effects belonging to my estate not herein-before mentioned, to my personal relatives and friends to wit:

Mrs. Annis Cooper, Mrs. Bettie Dillingham, Mrs. Ollie Harris,

Miss Virginia Wakefield, Miss Laura Bottles.

Fourteenth. Owing to the fact that it has not been convenient

for me to have each and every piece and parcel of land herein described surveyed, and platted so that I could make a more definite description as to the limits and bounds of each and every piece.

I do hereby authorize and empower by execution if he should find this same necessary to have each parcel herein mentioned surveyed, and make a deed of conveyance in the name of him my said Executor to each and every one to whom I have bequeathed, and to each other portion of my estate as he my Executor shall convey.

Fifteenth. It is my further will and request, that after my said Executor had made all of the payments as heretofore provided out of the moneys left by me at the time of my death, or thereafter accruing from the sale of my lands as herein provided, and shall have paid all of the legal expenses incident to the settlement of my said estate, and shall further fully paid him self for his services as such Executor, then should there be any moneys left to my estate, it is my further will and request that such residue if any, shall be equally divided between my relatives and friends as follows to wit: Miss Laura Dutton, Mrs. Maria Cooper White,

Sixteenth. I hereby constitute and appoint my trusty friend John W. Walker, 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 - hereby revoking and declaring utterly void all other wills and Testaments by me heretofore made.

In Testimony whereof I, the said Margaret P. Cromwell do hereby set my hand and Seal, this the 3^d day of October 1929
Margaret P. Cromwell (Seal)

Signed, Sealed and declared the last will and Testament of Mrs. Margaret P. Cromwell, in the presence of us the following witnesses, on this the 3^d day of October 1929,
Witnesses.

F. H. Swann
J. E. Tidwell.

Recorded in Book of Wills, Book "B"
at Pages 394 et seq. December 6th, 1929

P. L. Hyatt
Clerk of Superior Court
by J. D. Hyatt,
Deputy Clerk.

State of North Carolina
Cherokee County.

} ss. In the Superior Court.

A paper writing purporting to be the last Will and Testament of S. D. Whitaker, deceased, is exhibited before me, the undersigned Clerk of the Superior Court for said County, by Galusha Pulliam, one of the executors therein mentioned, and the due execution thereof by the said S. D. Whitaker, by G. L. Whitaker and H. M. Whitaker, the subscribing witnesses thereto, who being duly sworn, do depose and say, and each for himself depose and say, that he is a subscribing witness to the paper writing now shown him, purporting to be the last Will and Testament of S. D. Whitaker; that the said S. D. Whitaker, 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 18th day of Nov. 1926.

And this deponent further saith, that the said S. D. Whitaker 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 attesting witness thereto, as aforesaid, the said S. D. Whitaker was of sound mind and memory, of full age to execute a Will, and was not under any restraint, to the knowledge