

received by him, or invested by him, and the manner and nature of such investment, and his receipts and disbursements for the past year in the form of debit and credit. He must produce vouchers for all payments. The Clerk may examine on oath such accounting party, or any other person, concerning the receipts, disbursements, or any other matter relating to the estate; and having carefully reviewed and audited such account, if he approves the same, he must endorse his approval thereon, which shall be deemed prima facie evidence of correctness. Revisal of 1905, Section 12, 43-14

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

I, Ethel S. Rickman, Assistant Clerk of the Superior Court of Swain County, North Carolina, do hereby certify that the foregoing is a true and perfect copy of the Last Will and Testament of J. A. Morrison, and Codicils thereto, together with all probates, as the same appear on Record and File in my Office.

Witness my hand and official Seal, this the 20th day of March, 1931

Ethel S. Rickman
Assistant Clerk Superior Court

Official Seal

Recorded March 26th 1931

Robert
Deputy Csc
Cherokee NC

State of North Carolina
Cherokee County.

ss. In the Superior Court.

A paper writing, purporting to be the last will and Testament ^{and codicils thereto} of W. J. Ellis, deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by Walter Ellis, the executor therein mentioned, and the due execution thereof by the said W. J. Ellis is proved by the oath and examination of J. L. Whitaker + W. D. Whitaker, the subscribing witness thereto, who being duly sworn, doth depose and say, and each for himself deposes and saith, that he is a subscribing witness to the paper writing now shown him, purporting to be the last will and Testament ^{and codicils thereto} of W. J. Ellis; that the said W. J. Ellis, 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 23rd day of December, 1925.

And this deponent further saith, that the said W. J. Ellis 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 codicils thereto} and this deponent did thereupon subscribe his name at the end of said will, ^{and codicils thereto} 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, ^{and codicils thereto} as aforesaid, and at the time of the deponent's subscribing his name as attesting witness thereto, as aforesaid, the said W. J. Ellis 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.

Z. L. Whitaker
W. D. Whitaker

Generally sworn and subscribed,
this 20th day of April, 1931, 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, ^{and codicils thereto} of W. J. Ellis, deceased. Let said Will, ^{and codicils thereto} together with the probate, be recorded and filed.

This 20th day of April, 1931.

J. E. Keener,
Clerk Superior Court.

NORTH CAROLINA, CHEROKEE COUNTY;

I, W. J. Ellis, 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, suitable to the wishes of my friends and relatives, and pay, all of my 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 bequeath to my beloved wife Callie B. Ellis, all of that tract or parcel of land described in a certain deed executed by myself to my said beloved wife Callie B. Ellis, said deed bearing date of August 24th, 1915, and recorded in the Office of register of deeds for Cherokee County in Book No. 29, at page 399, to which reference is hereby made for a full and complete description. Also all of my personal property, (except as hereinafter provided) consisting of all moneys on hand, notes, deeds of trust, accounts or other evidence of indebtedness, (accepting a sufficient sum to meet the expenses mentioned in item One of this instrument) together with all household and kitchen furniture, farm implements, sheep, hogs, and cattle.

SECOND: I give and devise to my sons, Walter Ellis and Theadore Ellis two tracts of land described in a certain deed executed by D. L. Holland and wife Annie Holland to me on the 24th day of January 1921, and recorded in the Office of register of deeds for Cherokee County in Book No. 75, at page 509, to which deed reference is hereby made for full and complete description, subject to the following division; That it is my will and request that my son Walter Ellis shall have all of that portion of said described lands lying and being below and south and west of the following described dividing line; Beginning at a stake on the top of a ridge between the left hand prong of the Dan Holland Creek and W. H. Hardens, and runs down said ridge a south direction with the meanders of said ridge to a high knole or knob in the field; and thence straight across the field in a south east direction to the back line of one of said tracts. That it is my will and request that my son Theadore Ellis shall have all of that portion of said land embraced in the two tracts of land heretofore described lying and being

on the North West of the aforesaid dividing line, excepting and reserving from this portion of said lands, a certain lot or parcel lying in the North West of said tracts containing about eight acres, which I have agreed to convey to my son W. N. Ellis. It is my further request that my two sons Walter Ellis and Theodore Ellis, shall have all of my saw mill machinery, consisting of Boilers, Engines, saws, Belts, shafting and any and all other machinery used in and about my saw mill operations at the time of my death.

THIRD: I give and bequeath to my four daughters to wit; Fay Dockery, Olive Mae Ellis, Clara Belle Ellis and Lela Lee Ellis the following lots or parcels of land as follows:

All of that tract or parcel of land conveyed to me by S. E. Coker and wife Willa L. Coker, and Giles W. Coker and wife Lillie M. Coker, by deed dated August 21st, 1919, and recorded in the office of register of deeds for Cherokee County, in Book No. 77, page 317. Also all of that parcel or tract of land conveyed to me by Walter Ellis and wife Martha J. Ellis, and Theodore Ellis and wife Lura Ellis by deed of even date with this instrument; the same being fully described in a deed from W. A. McKee and wife Florence McKee, to Walter Ellis and Theodore Ellis, said deed bearing date of October 14th, 1920, and recorded in the office of register of deeds for Cherokee County in Book No. 75, at page 350. Also all of that or parcel of land conveyed to me by the said Walter Ellis and wife Martha J. Ellis, and Theodore Ellis and wife Lura Ellis, described in a deed from M. E. Cozad and wife Margaret S. Cozad, to the said Walter Ellis and Theodore Ellis, by deed dated October 20th, 1920, to which deed reference is hereby made for a full and complete

description. It being my will and request that my executor hereinafter named shall immediately after my death, or as soon thereafter as practical, proceed to divide the aforesaid lands equally between my four daughters hereinbefore named, to the end that each and every one of them shall share equally in said lands according to the true money value of the same.

FOURTH: I give and bequeath to my former wife, Mrs. Letha P. Ammons, the sum of ONE HUNDRED DOLLARS, the same to be paid out of the proceeds of the sale of certain lands that I have contracted to J. J. Roberts, the same being situated in Graham County, N. C.

FIFTH: I will and bequeath to my son W. N. Ellis, a certain parcel or lot of land heretofore conveyed to him, the same being situated in Graham County, N. C. Also about eight acres situated in Cherokee County, N. C. and being mentioned in paragraph two of this instrument.

SIXTH: I will and bequeath to my daughter Laura Lance, the sum of TEN DOLLARS.

SEVENTH: I will and bequeath to my daughter, Nettie Lance, the sum of TEN DOLLARS.

EIGHTH: I will and bequeath to my daughter, Elvira Roberts, the sum of SEVEN HUNDRED DOLLARS, to be paid out of the proceeds of the sale of lands heretofore contracted by me to her husband J. J. Roberts of Graham County, N. C.

NINTH: I will and bequeath to my son John Ellis, the sum of ONE DOLLAR.

TENTH: I will and bequeath to my daughter Annie Harden, the sum of ONE DOLLAR.

ELEVETH: I will and bequeath to my daughter Nera Harden, the sum of ONE DOLLAR.

TWELFTH: I will and bequeath to my daughter Rilla Huffaker, the sum of TEN DOLLARS.

THIRTEENTH: I hereby constitute and appoint my son Walter Ellis, 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 thereof, hereby revoking and declaring utterly void all other wills and testaments by me heretofore made.

In witness whereof, I, the said W. J. Ellis, do hereby set my hand and seal, this the 23rd day of December, 1925.

W. J. Ellis Seal.

Witness,
G. L. Whitaker,
W. D. Whitaker.

Signed, Sealed, Published and declared to be the last will and testament of W. J. Ellis, in the presence of us, who at his instance and request, and in his presence and in the presence of each other subscribed our names as witnesses hereunto.

This the 23rd day of December, 1925.

G. L. Whitaker,
W. D. Whitaker.

NORTH CAROLINA, CHEROKEE COUNTY.

I, W. J. Ellis of the aforesaid State and County, make this my codicil to my last will and testament published by me the 23rd day of December 1925, which I ratify and confirm except as the same shall be added thereto as hereinafter as follows:

That my executor therein named to wit, my son Walter Ellis, shall have the authority, and at my request that he shall

immediately after complying with the conditions named in the third paragraph of said will, make and execute a good and sufficient deed of conveyance to each of my daughters named in said paragraph three of said will, to such portions of the lands described in said paragraph three, as may be allotted to each of them, to the true intent that each shall have a good and indefeasible right of inheritance in said lands according to the true meaning of said will.

I further request that if there should arise any question of the right of my said executor the said Walter Ellis, having the right to make a good and sufficient deed of conveyance to said lands, that this codicil should be recorded in the office of the register of deeds for Cherokee County, which shall constitute his authority for making such conveyance.

In testimony whereof I the said W. J. Ellis, do hereunto set my hand and seal, this the 18th day of February, 1926.

W. J. Ellis Seal.

Witness,
G. L. Whitaker,
W. D. Whitaker.

Signed, Sealed, Published and declared to be the last will and testament of W. J. Ellis, in the presence of us, who at his instance and request, and in his presence and in the presence of each other subscribe our names as witnesses hereunto.

This the 18th day of February, 1926

Recorded this 22nd day of April 1926.
May L. Keener, Deputy C. S. C.