

North Carolina Cherokee County, and do hereby
 & W. H. Poter, of the said County and
 State, being of sound mind, but considering
 the uncertainty of my 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 funeral
 expenses, together with all my just
 debts, out of the first money which
 may come into her hands belonging
 to my estate.

Second, I give and do devise to my beloved
 wife, Mervena Madeline Poter, the house
 and lot on which I now reside, see deed
 from S. H. Lee, also lot no. 4, 5 and 6, in block
 D, Town of Andrews NC, at present about
 1/2 mi. S and 6 being full lots, 50 by 140
 feet. Lot No 4, is not a full lot as
 lot no. 10, in block B, 50 by 140 feet
 where Black Smith Shop now stands
 and all other property that I may
 have at my death, real and personal,
 to hold in fee.

Third, I hereby constitute and
 appoint my trusty wife, my lawful
 executor to all intents and purposes,
 to execute this my last Will and
 Testament, according to true intent and
 meaning of same, and every part
 and clause thereof, hereby revoking
 and declaring utterly void all
 other Wills and Testaments by
 me heretofore made.

In Witness Whereof, I, the
 said W. H. Poter, do hereunto

set my hand and seal, this 1st day
 of April, 1921.

Signed W. H. Poter Seal

Signed, sealed published and delivered by the
 said W. H. Poter, to be his last Will and
 Testament in the presence of us, who at
 his request and in his presence do
 subscribe our names as witnesses thereto.

L. D. Smith

M. J. Smothers

North Carolina
 County of Cherokee.

I, J. M. Morrow, Justice of Peace of
 Cherokee County, do hereby certify that
 W. H. Poter personally appeared before me
 this day and acknowledged to due execution
 of the foregoing Will.

Witness my hand and official
 Seal, this 1st day of
 April 1921

J. M. Morrow, J. P.

Recorded November 21st 1925

North Carolina
 Wilkes County.

In re: Probate of Will of W. H. Poter.

Pursuant to the annexed commission to
 me directed, I, William A. Stroud,
 commissioner, under the authority there-
 of, on the 3rd day of November 1923, at 9
 o'clock A. M., at the Court House in
 Wilkesboro County, Wilkes County, State
 of North Carolina, proceeded to take
 the deposition of M. J. Smothers, who
 being first duly sworn to speak
 the truth relative to the above.

entitled matter, deposed and says:

Question: Mr. Smathers where do you reside?

Ans. North Wikesboro, N.C.

Ques. How far do you live from Murphy, Cherokee County, N.C., by the usual mode of travel?

Ans. About two hundred and fifty miles.

Ques. Mr. Smathers, do you recognize the paper-writing here exhibited, dated the 1st day of April 1921, purporting to be the last will and testament of W.H. Potet, deceased?

Ans. I do.

Ques. Was the paper-writing here exhibited and purporting to be the last will and testament of W.H. Potet, deceased, signed by W.H. Potet in your presence?

Ans. It was.

Ques. Was the paper-writing here exhibited purporting to be the last will and testament of W.H. Potet, attested by you, at the request and in the presence of W.H. Potet, at the time of its execution?

Ans. It was.

Ques. Mr. Smathers, in your opinion was W.H. Potet at the time of his signing the the paper-writing to be his last will and testament, of sound mind and memory, was of full age to execute a will and was he under any restraint to your knowledge and belief, he was certainly of natural and was not under any restraint to my knowledge information or belief.

M. J. Smathers

I, William A. Stroud the Commissioner in said commission named, do hereby certify that the foregoing questions were propounded to M. J. Smathers, and after being read over to him, he subscribed the same at the time and place herein mentioned.

I enclose the said testimony, together with said commission, to the said E. C. Davis, whence the same emanated, as my full execution of said commission.

Given under my hand and seal of the Court this Nov. 3, 1923.

(Official Seal)

W. A. Stroud
Commissioner.

State of North Carolina
To William A. Stroud, Clerk of the Superior Court of Wikes County. Greeting:

We, reposing special trust and confidence in your integrity, do authorize and empower you to cause Rev. M. J. Smathers of North Wikesboro to appear before you at such time and place as you may appoint, and him on oath to examine touching all such matters and things as he shall know of and concerning a certain matter of controversy in our Superior Court of the County of Cherokee pending, in Re: Will of W.H. Potet.

And the deposition in writing by you so taken, the same to transmit, sealed with your seal, to Clerk of Superior Court on the 12th day of November, 1923.

Witness. E. C. Davis, Clerk of said Court at office in Murphy, N.C., N.C., the 31st day of October, A.D. 1923.
E. C. Davis
Clerk Superior Court

State of North Carolina, } In Superior Court
 Cherokee County } Before E. E. Davis, Clerk.
 In Re Estate }
 of }
 W. H. Poter, deceased. } Order for Probate of Will.

A paper writing purporting to be the last will and Testament of W. H. Poter, dec'd is exhibited in open court for probate by Mrs. W. H. Poter Executrix therein named; and the due execution thereof by the said W. H. Poter, dec'd is duly proven by the oath and examination of L. P. Smith and M. J. Smathers subscribing witnesses thereto and it is further shown to the satisfaction of the Court by said witnesses that the said W. H. Poter was, at the time of making the said will of sound mind and memory, of full age to execute a will, and under no restraint to their knowledge information or belief;

It is thereupon considered, adjudged and decreed, that said proof is sufficient and according to law and that said paper writing is and contains the last Will and Testament of W. H. Poter dec'd. And on motion it is ordered that said Will be admitted to probate and recorded in the Book of Wills of Cherokee County and as such filed as provided by law in the office of the Clerk of Superior Court of said County.

It is further adjudged that said Mrs. W. H. Poter is a suitable person to act as executrix and that she be allowed to qualify as executrix as provided by law and enter upon the discharge of the duties imposed

by said trust.

Dated this the 22nd day of November 1923
 E. E. Davis
 Clerk of Superior Court.

Mrs. W. H. Poter having qualified as Executrix as aforesaid. Let Letters Testamentary issue accordingly

This 21st day of November 1923,
 E. E. Davis C. & C.