

North Carolina
Cherokee County - 7th In Superior Court.

Robert Lee 1.00
or same 75
Justifying 20
Feb 4/1907 1.95

Realizing the uncertainty of life.

I Calvin Coleman of Whately in the County of Cherokee and State of North Carolina make this my last will and testament, while in the possession of sound mind and memory this the 24th day of February 1907.

I give devise and bequeath to my beloved wife Emeline Coleman one third of all I possess.

I give and devise to Sylvia Coleman my youngest daughter one third and to William Brady Coleman my youngest son one third, and at the death of my said wife all the property hereby devised or bequeathed to her as aforesaid, or so much thereof as may then remain undistributed. I give unto my daughter Sylvia Coleman and my son Brady Coleman, and to their heirs and assigns forever.

I give devise and bequeath to all my other children or their heirs the sum of one dollar each.

And last I hereby constitute and appoint my said wife Emeline Coleman to be the executor of this my last will and testament, and ratifying and confirming this and no other to be my last will and testament.

In witness whereof I have hereunto set my hand the day and date above written.

(Signed) Calvin Coleman

Signed published and declared by the above named Calvin Coleman as his last will and testament in the presence of us who at his request have signed as witnesses of the same.

(Signed) J. R. Postell
W. S. Simmons

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A paper writing purporting to be the last will and testament of Calvin Coleman deceased is exhibited before me the undersigned Clerk of the Superior Court for the said County by Emeline Coleman executing therein mentioned. And the execution thereof by the said Calvin Coleman is proved by the oath and examination of J. R. Postell and W. S. Simmons the subscribing witnesses thereto who being duly sworn depose and say for themselves that they are the subscribing witnesses to the paper writing now shown them purporting to be the last will and testament of Calvin Coleman in the presence of three deponents subscribed his name at the end of said paper writing now shown them as aforesaid, and which bears date of February 24th 1907, and the deponents further say that the said Calvin Coleman the holder of aforesaid declared that said paper writing so subscribed by him and exhibited to be his last will and testament, and three deponents did therefore subscribe their names at the end of said will as attesting witnesses thereto and at the request and in the presence of said testator and three deponents further say that at the time when the said testator subscribed his name to the said last will as aforesaid and at the time of deponents subscribing their names as attesting witnesses thereto as aforesaid, the said Calvin Coleman 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 these deponents, and for this three deponents swear.

(Signed) J. R. Postell
" W. S. Simmons

Sworn and subscribed to before me this the 27th day of April 1907.

A. A. Fair
Clerk Superior Court.

I Edward Atkinson of Brookline, in the County of Norfolk and Commonwealth of Massachusetts hereby make this my last Will and Testament as follows, to-wit:

First. It being my judgment that it will be for the best interests for the family to maintain the home, I hereby give, devise, and bequeath, all the property and estate, real, personal and mixed and wherever situated, of which I shall be seized or possessed, or to which I may be in any way entitled, or on which I may have any power of appointment at the time of my decease, to my wife Mary E. Atkinson to her and her heirs, executors and administrators forever absolutely and in fee simple, provided my said wife shall survive me.

Second. But in case my said wife shall not survive me, then I declare the following disposition of all of my said property and estate, to-wit: - Whereas after the death of my said wife her children will become possessed of the property bequeathed and devised to them by their late Grand Father Charles Heath, and where my son Charles Heath Atkinson will receive a share of said property now though it is my will that the execution of this my will, or those persons who may in their place administer my estate, shall set apart from my estate a sum sufficient in their judgment when fully invested to yield a net annual income large enough when added to the income which they shall judge may reasonably be expected to be derived from the share of my said son Charles in said property as to be derived from his said Grand Father. I support my said son Charles for and during his life in the manner in which he has been supported during many years. They shall have the said sum as it be set apart in trust during the life of my said son Charles, and shall expend the total net income thereof, or as much thereof as they may deem necessary for my said sons care, for their support and maintenance during his life.

They may if in their judgment it is necessary as to

do, expend a portion of the whole of the principal of said trust fund for my said sons support, but it is my wish that none shall be taken to make the trust fund sufficient at the outset to obviate the necessity of spending any of the principal.

Upon the decease of my said son Charles, the whole of the principal of the said trust fund with all accumulations of income that may by them, shall go to the living at law of the said Charles they to take the same ~~with~~ right of representation and not per capita.

It is my wish that my son Edward D. Atkinson and my son in law, Earnest Minor shall be appointed Guardians of my said son Charles.

Third, all the net residue and remainder of my said estate, after the payment of any taxes that may become payable under the several clauses of this my Will, I give, devise, and bequeath to my trustees herein after named, to be held by them and their successors, upon the following trusts, to-wit: - They shall have the same in equal shares for, and shall pay over the net annual income thereof in equal shares to my children, Edward D. Atkinson, Anna Minor, Caroline P. Atkinson, Mary H. Atkinson, William Atkinson and Robert D. Atkinson, or such of said last named children as survive me, for and during their respective lives, and upon the decease of any of my said last above named children, who shall have married, they shall pay over the share of the principal of said trust estate then then held in trust for such child as dying, provided such child shall have been married, shall by such child's last will and testament duly proved and allowed, appoint to take the same: and in default of such appointment shall pay the same to the issue of the child as dying who shall take the same by right of representation. It being my intention and wish that those of said last above named children only who shall have married shall have any power of appointment under this Will: and upon the decease of any of my said last above named children who shall die without having married, and whose issue without being entitled to exercise any power of appointment under this my Will shall take the share of the principal of said trust estate then then