

State of Georgia
Fulton County

Executor's Oath

I, do solemnly swear that the writing contains the true last will of the within named Clark J. Rogers, deceased, so far as I know or believe and I will well and truly execute the same in accordance with the law of this State. So help me God.

W. F. Findley

Subscribed to and sworn to before me.

This 7th day of Sept 1896.

W. L. Calhoun, Ordinary.

State of Georgia
Fulton County

By W. L. Calhoun, Ordinary of said County.

Know all whom it may concern: That on the 7th day of September 1896 the last will and Testament of Clark J. Rogers, deceased, at the time of his death a resident of said County, was legally proven in common form, a copy of which is annexed, duly certified, and on the 7th day of September 1896 at a regular term of the Court of Ordinary said will was admitted to record by order and W. F. Findley having taken the oath of office, and complied with all the necessary requisites of the law, legally authorized to discharge all the duties of an executor on the Will of said deceased, to administer the property of said deceased, which is devised according to the Will and the law.

Given under my hand and official seal the 7th day of September 1896.

W. L. Calhoun

Ordinary

State of Georgia
County of Fulton

To the Honorable W. L. Calhoun
Ordinary of said County:

The petition of W. F. Findley a resident of said County and nominated Executor of the last will of Clark J. Rogers also a resident of said County, who died on the 26th day of August 1896, coming, venerable and personal sole, disposed of by said Will, amounting to the sum of Four thousand Dollars, and which remains to be administered, respectfully sheweth that said Clark J. Rogers died testate, that the will of said Clark J. Rogers was duly proved and admitted to record in common form, and that Letters Testamentary were issued to him upon his taking the usual oath of office.

For probate at the regular term of the Court of Ordinary of said County in common form; that your petitioner is named in said Will as its executor; whereupon your petitioner prays leave to prove said Will in common form, and the return to him of Letters Testamentary upon his taking the oath of Office. Sept 7th 1896.

W. F. Findley
Petitioner.

State of Georgia Fulton County.

Before me came John M. Findley named as a witness to the within writing, purporting to be Clark J. Rogers last Will and being duly sworn, saith that he with W. A. Sadge Jr and Mrs Chas E. L. Rogers at the request of Clark J. Rogers and in his presence and in presence of each other, did attest as witnesses, the within writing as Clark J. Rogers will; that the same was signed and published by Clark J. Rogers in their presence as his last will; that he was at the time of said attestation and signing by him of said and disposing mind and memory; that he executed the within papers voluntarily.

Subscribed to and sworn to before me.

This 7th day of Sept. 1896.

W. L. Calhoun, Ordinary.

Fulton Court of Ordinary, Sept Term, 1896.

The above petitioner of W. F. Findley nominated executor of the last alleged Will of Clark J. Rogers duly filed, having been supported by proper proof of John M. Findley a witness to said Will, that said Clark J. Rogers died a resident of said County; that he and the other witnesses W. A. Sadge Jr and Mrs Chas E. L. Rogers saw him sign and heard him publish the alleged will as his own last will; that he attested the same as a witness at their request, and in his presence with W. A. Sadge Jr. and Mrs Chas E. L. Rogers came so attesting also at his request; that said Clark J. Rogers was, at the time of said signing and attestation of said and disposing mind and memory, and died, in the execution of said Will act freely and voluntarily; It is ordered that the same be duly recorded, having been duly proved in common form, and that Letters Testamentary issue to him upon his taking the usual oath of office.

W. L. Calhoun
Ordinary

Georgia
Fulton County. In the name of God, Amen.
I, Clark J. Rogers, being of sound
and disposing mind and memory, do make this my
last Will and Testament.

1st. I desire that my body be buried in a decent and
Christian manner suitable to my station in life
along side of my beloved wife in Old Vista Cemetery
in Gainesville, Ga. and that my soul may remain
to rest with God, who gave it.

2nd. I desire that all my just debts be paid by my
executor as soon after my decease as possible.

3rd. I desire that all my property, both real and
personal be equally divided, or sold and the money
equally divided distributed between my daughter
Eunice R. Findley wife of W. F. Findley, William J.
Rogers and Charles E. L. Rogers sons of the Testator,
and Anna Parks my grand daughter and child of
my daughter Lillie O. Parks, deceased, each to them
and their heirs alike.

4th. In case either of my children should not survive
me, then the heirs of the body of such child take
the share of the parent and in case their should
be no issue then the share of such child to
be equally distributed between the surviving children
or grand children hereinbefore named.

5th. In case Anna Parks should not reach the age
of twenty one year and die without issue of her
body, then her share is to be equally distributed
between my children hereinbefore named, or the
heirs of their body, should any of them fail to
survive her.

6th. I hereby release my executor from receiving any
rebate of any kind whatever either to the Court
of Ordinary of this State or to the Probate Court
of any other State, and he is hereby invested with
full power to sell at public or private sale any
and all of my property, whether in this State or
any other State, as his best judgment may dictate
and make title thereto, in as large and in as
full a manner as I myself could do were I living
and present at the doing thereof.

7th. I desire my executor hereinbefore named, to hold
the share of Anna Parks...

years of age, or monies, in which event he is to
pay over to her the amount due under this Will, and in case
of death without issue and before arrival at twenty one
years, to disburse her share, as provided in the 5th
item of this Will.

8th

I nominate my son-in-law W. F. Findley as
executor of this my last Will and Testament,
This April 26th 1895.

Clark J. Rogers.

Signed, declared and published by Clark J. Rogers as
his last Will and Testament, in presence of us the
subscribers, who subscribe our names hereto, in presence
of said testator, at his instance and request, and of
each other, he signing in our presence and on signing
in his presence.
This April 26th 1895.

W. A. Dodge Jr
Mrs Charles E. L. Rogers
Jno M. Findley

State of Georgia

County of Fulton
Court of Ordinary

I, Arthur R. Marshall, Clerk of
the Court of Ordinary of said County,
do hereby certify that I have compared the foregoing
copy of the last Will and Testament of Clark J. Rogers
deceased, also petition and order to probate said Will
in common form both and letters issued to W. F. Findley
as executor of the Will of said Clark J. Rogers deceased,
with the original record and files thereof now remaining
in this office, and the same is a correct transcript
thereof, and of the whole of such original record and
files, and that said Court is a Court of record.
In testimony whereof, I have hereunto set my hand
and affixed the seal of the Court of Ordinary,
This the 18th day of July 1914

Arthur R. Marshall,
Clerk

State of Georgia
County of Fulton
Court of Ordinary

I, John R. Williamson, Ordinary of
said County, and presiding magistrate
of the Court of Ordinary thereof, do hereby certify that
the above attestation subscribed by Arthur R. Marshall
as Clerk of said Court, is proper and in due form.

And that his signature is genuine, and that full
faith and credit are due to all of his official acts.
Witness my hand and official seal, this 18th day of July 1914.
John R. Williamson
Ordinary

State of Georgia
County of Fulton
Court of Ordinary
I, Arthur M. Marshall, Clerk of the
Court of Ordinary, of the County of Fulton,
do hereby certify that Hon. John R. Williamson whose
name is subscribed to the preceding certificate is the
presiding Magistrate of the Ordinary's Court of the County
of Fulton; duly elected, sworn and qualified, and that
the signature of said Magistrate to said Certificate
is genuine.
Witness my hand and official signature,
this 18th day of July 1914.

Arthur M. Marshall
Clerk of the Court of Ordinary

North Carolina
Cherokee County, I, an exemplified copy of what
purports to be the last will and
testament of Clark J. Rogers, late of Fulton County, Georgia,
duly written and authenticated by the Clerk of the
Court of Ordinary of said Fulton County, being this day
produced before the undersigned Clerk of the Superior
Court of Cherokee County, wherein is subscribed certain
real estate which was formerly the property of the
testator and was his property at the time of the
making of the said last will and testament, and the
same appearing, to be duly written and authenticated
according to law.
It is therefore adjudged by the Court that the said exemplified copy
of the last will and testament of the late Clark J. Rogers has
been duly written and authenticated by the Clerk of the Court of
Ordinary of Fulton County, Georgia, and said exemplified copy
together with all certificates and proofs of execution, is allowed
and the same ordered filed and recorded in the same manner
as if the original had been produced, proved and allowed
before me.

Witness R. L. Fain, Clerk of the Superior Court of Cherokee
County, at Office in Murphy, this July 20th 1914.
R. L. Fain

North Carolina
Cherokee County, I, In the name of God:
I Ancil Rogers, of the County of Cherokee
and State of North Carolina, being of sound and disposing mind
memory and understanding, in view of the uncertainty of
death, and being desirous of directing the disposition of
my earthly effects, do make, publish and declare this
my last will and testament, hereby revoking and declaring
null and void all other wills and testaments by me at
any time made: that is to say:

Item 1. I devise and bequeath all of my property, both real
and personal, whereon situate, and of any kind to my
beloved wife Emily E. Rogers, for and during the term
of her natural life, and after her death as hereinafter
set out.

Item 2. I devise and bequeath to my son Richard Lafayette
Rogers, of Chickasaw Indian Territory (now Oklahoma)
Tract #28 in District #3 of Cherokee County, Tract #2865
containing 141 Acre, and also the sum of \$500.00, one
half of which sum is to be paid by son John R. Rogers,
and one half by my son Thomas P. Rogers,
which sum is made a lien upon the lands hereinafter
respectively devised to each of them: this devise
to take effect after the death of my said wife.

Item 3. I devise and bequeath to my son, John S. Rogers,
for and during the term of his life, and at his death
to his children in fee. Tract #19, Tract #2780, con-
taining 186 Acre, and the following part of tract #25 in
said District, viz: Beginning at a stake on the west bank
of Nanta River at the mouth of Robin Mill Creek and
runs with the West bank of said creek to the State Road.
Then with said road to a stake in the center of the present
railroad track; then with the center of said railroad track
to the South line of tract #26; then with the South
line of said tract to Nanta River; then down said river
as it meanders to the beginning, containing 12 Acre, more
or less, subject to the payment of the sum of \$250.00
to the said Richard Lafayette Rogers, as mentioned in item
2 of this will. This devise to take effect after the
death of my said wife.

Item 4. I devise and bequeath to my son Thomas P. Rogers
for and during the term of his life, and at his death
to his children in fee.