

North Carolina - Cherokee County

I James H. Humes, of the State of North Carolina, do hereby certify that the said County of Cherokee, do now and declare this my last will and testament.

First - My dear friend Humes named shall give my body a decent burial according to the wishes of my friends and relations, and pay all funeral expenses, together with all my just debts out of the first money which may come into his hands belonging to my estate.

Second - I give and devise to my beloved wife, Martha, the land of land on which I now reside, and also about seven or eight acres of land No 98 and also a part of No 99 containing twenty two acres, adjoining said No 98 and land at all, for her natural life in satisfaction of her dower and third in all my lands.

Third - I give and devise to James Sampson, infant son of Cory and Minnie Sampson, and his heirs in fee simple, a tract of land bought of W. D. Pickett, adjoining Ed Barton's part of No 76, and containing twenty acres.

Fourth - I give and devise to my wife, Martha, all my household goods and my furniture.

Fifth - I give and bequeath to C. S. Thompson all live stock, farm tools, wagons, and carriages and so forth what so ever.

Sixth - My wife and my estate (if devised and engaged

said and the said money, to be collected and if there should be any

surplus

of debts

that such surplus shall be paid over to my

said wife and

son in equal portions.

Witness: - I hereby certify and appoint my true friend Thos E. Ladd my lawful executor to see to the intent and purpose to execute this my last will and testament according to the true intent and meaning of the same and every part and clause thereof. Truly soving and declaring nothing void as other wills and testaments by me heretofore made.

In witness whereof, I the said James M. Humes do hereby set my hand and seal, this 21st day of March, 1912.

James M. Humes

Signed, Sealed, Published and declared by the said James M. Humes to be his last will and testament in presence of us, who at his request and in his presence and in the presence of each other do subscribe our names as witnesses thereto.

John D. Dickey
J. P. Dickey

Cherokee County Superior Court
Re: will of James M. Humes
Off. of Thos E. Ladd.

Thos E. Ladd, being duly sworn, says that he is a resident of the State of Florida, and that during the month of March, 1912, he was a resident of Cherokee County, North Carolina.

That on the 21st day of March, 1912, at the request of James M. Humes, officiating as a witness for said Humes, the said Humes named said will.

was in writing and that the same was attested in the presence of said Therman by J. P. Threl and Percy Cherry, that the paper attached to the original and named Exhibit "D" is a true and correct copy of said will; that said will contained some numbered items and that when the same was examined by said Therman no part thereof had been obliterated and that all parts of the same were legible.

That the bit which I said with when the same was examined by said Therman read as follows: "Sixth. My will and devise is that all the residue of my estate (if any) after paying out the debts and expenses above mentioned, shall be sold and the debt owing to me to be collected and if there should be any surplus then and above the payments of debts expenses and expenses of such surplus shall be equally divided and paid over to my said wife and Maria and Minnie Thompson in equal portions."

Thos E. Ladd.

Retroscribed and sworn to before me this the 31 day of Dec. 1915

Harry C. Bailey
Notary Public
State of North Carolina
Comm. Expires June 11-1916

Exhibit "A"

North Carolina Chertow County
I, James Therman, of the County and State of North Carolina, do hereby certify and declare that the foregoing is a true and correct copy of my last will and testament; that my executors, Therman named above

have my body a deems Lucile, and she wishes of my friends and relatives and pay all funeral expenses together with all my just debts, and the first money which may come into his hands belonging to my estate. Second:- I give and devise to my beloved wife Maria, the house and land on which I now reside, containing about twenty five acres being No 98, and also part of No 88 containing twenty two acres, adjoining said No 98 and being it all for the natural life, in satisfaction of her dower and that in all my lands.

Third: I give and devise to James Sanford Thompson infant son of Cary and Minnie Thompson, and his heirs in fee simple of two of land tracts of D. A. Reed, adjoining Es. Bardin, a part of No 96 and containing twenty acres.

Fourth: I give and devise to my wife Maria all my household and goods and kitchen furniture.

Fifth: I give and bequeath to C. S. Thompson all five acres, farm, vines, wagon and carriage and so forth, whatsoever.

Sixth: My will and devise is that all the residue of my estate (if any) after paying out the debts and expenses above mentioned shall be sold and the debt owing to me to be collected and if there should be any surplus then and above the payments of debts expenses and expenses of such surplus shall be equally divided and paid over to my said wife and Maria and Minnie Thompson in equal portions.

Seventh: I hereby certify and declare my loving friend Thos E. Ladd

Lawful Heir to all moneys
and purposes to receive the
my last will and testament
according to the true intent and
meaning of the same, and every
part and clause thereof, hereby
naming and declaring, Verily said
wider wills and testament by
me heretofore made.

In Witness Whereof I the said
James M. Huskins do hereby set
my hand and seal this 21st day
of March 1912. ^{his}
James M. Huskins (seal)
non

Request, Read, Published and
declared by the said James M. Huskins
to be his last will and testament.
In presence of us, who at his
request and in his presence and
in the presence of each other do
subscribe our names as witnesses
thereof.

Polly Dwyer
J. Paul

North Carolina Chancery
Martha Huskins, Lundy Lundy
sworn, says that she is the widow
of James M. Huskins, deceased, that she
has lived with him for a great many
years prior to his death, that about
the 21st day of March 1912 said
James M. Huskins delivered to
officer for safe keeping a paper
writing which he said was his
last will and testament. Lundy she
saw paper writing which is now
propounded in this Court as the last
will of said James M. Huskins, that
officer put said will in a tin and
kept the same locked, and that no
one except her had access to it, that
said James M. Huskins did not again

see said will after it was so
kept with her; that a post of the said
persoph thing too then obliterated
by him, that the same was done
without the knowledge or consent of
said James M. Huskins and that he
did not know of the same at the time
of his death, and appeared did not know
of said obliteration heretofore until after
the death of the said James M. Huskins
Martha Huskins
non

Subscribed and sworn to before
me this 17 day of January 1916
J. M. Thasson
Justice of the Peace

North Carolina Chancery
In the Superior Court. Before the clerk
of paper writing purporting to be
the last will and testament of James
M. Huskins, deceased, is a labeled paper
me the undersigned clerk of the Superior
Court of said County, by John E. Lott
the secular attorney, and the one
dellard & Hill attorneys, and the one
secular thing by the said James
M. Huskins is proved by the oath and
examination of Polly Dwyer and J. P.
Thasson, the subscribing witnesses thereof
who, Lundy Lundy sworn to 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 James M. Huskins; that
the said James M. Huskins in the
presence of the deponent subscribed his
name to the said paper writing
now shown as aforesaid and which
has date of the 21st day of March 1912.
And the deponent further says that
the said James M. Huskins the last will
appeared, did at the time of sub. extant

his name as oporaid decess, the said paper writing, as subscribed by him and exhibited, to the said wife and witnesses; and the decess did thereupon subscribe his name at the end of said will as an attesting witness thereto, and as the request and in the presence of the said executor. And the decess further said that at the time of said will the said executor subscribed his name to the said will as oporaid and at the time of the decess's subscription, his name as attesting witness thereto as oporaid the said James M. Thuermer was of sound mind and memory, of full age to serve as a witness, and was not under any restraint to the knowledge, information or belief of the decess. And further that decess say not.

Paley Demytting
J. P. Thell.

Subscribed and sworn to before me this Jan'y 10 - 1916.

At Fair
Clerk Superior Court.

North Carolina
In the Superior Court.

It appearing from the foregoing and annexed of the said of Paley Demytting, J. P. Thell, Thos. E. Ladd and Maria Thuermer that the said paper writing which is hereto attached was duly executed and published by said James M. Thuermer, deceased, as his last will and testament; that at the time of the execution thereof, as part of said will, the same appeared, that a part of the said paragraph thereof

has become obliterated; that said obliteration and expunction was done by Thuermer without the knowledge or procurement of said James M. Thuermer and at the time of his death the said James M. Thuermer did not know of said obliteration, that in said said paragraph the said James M. Thuermer wrote and signed and provided that all the residue of his estate, of any other thing and the decess and legacies therein before mentioned, he said, and the said arising to him he bequeathed and if there should be any surplus over and above payment of debts expenses and legacies, that such surplus be equally divided and paid over to his said wife, Maria, and Maria Thuermer in equal portions;

It is therefore considered and adjudged by the Court that the said paper writing and every part thereof including the said said paragraph is heretofore set out, is the last will and testament of James M. Thuermer, deceased, and the same, with the foregoing examinations, affidavits and the certificates, are ordered to be recorded and filed.

This the 17 day of January, 1916.

At Fair
Clerk of the Superior Court.