

North Carolina In the Superior Court
Cherokee County Before the Clerk
In the matter of
The will of T. R. N.
Very truly, deceased.

The paper writing heretofore created and purporting to be the last will and testament of T. R. N. Deeryberry, deceased, is as libelous upon the undersigned Clerk of the Superior Court, of Cherokee County, North Carolina, by S. D. P. Smith, the executor therein named, and it appears the foregoing proof thereof is given by the said and executor of B. L. Deeryberry as follows:

North Carolina
Cherokee County.

B. L. Deeryberry, being duly sworn, says that he is a subscribing witness to the said paper writing and knows him purporting to be the last will and testament of T. R. N. Deeryberry, and that he saw T. R. N. Deeryberry execute the writing in the last will and testament, and that official record of it in the presence and at the request of said T. R. N. Deeryberry, deceased; and that at the time of the execution said T. R. N. Deeryberry was, in his own opinion, of sound mind and disposing memory. Official further deposes that John E. Ladd the other subscribing witness to said will signed the same as a witness in the presence of official and that official saw him sign the same. and that said John E. Ladd, now residing out of the State of North Carolina and cannot appear here deposes that he found within the State of North Carolina.

B. L. Deeryberry
Not called and sworn to before me this
21 day of July - 1917

J. A. Tamm
Clerk, Superior Court

North Carolina
Cherokee County.

L. E. Bayless, being duly sworn, deposes and says that he is well acquainted with the land writing of John E. Ladd, one of the subscribing witnesses to the paper writing purporting to be the will of T. R. N. Deeryberry, which is heretofore created, died the 15th day of July, 1913, leaving this sum him under and that the name of the said John E. Ladd survives in a witness to said will in the genuine land writing of the said John E. Ladd

L. E. Bayless

Subscribed and sworn to before me
this 21 day of July - 1917

J. A. Tamm

Clerk, Superior Court

And it appears it is considered and agreed by the Court that the said paper writing and every part thereof is the last will and testament of T. R. N. Deeryberry, deceased, and it is ordered that the same, with the foregoing explanation and this certificate be recorded and filed.

This is the 21 day of July - 1917

J. A. Tamm

Clerk, Superior Court

North Carolina
Cherokee County.

I, T. R. N. Deeryberry, of the Cherokee County and State of North Carolina, being of sound mind, last commanding 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 & goods, lands and tenements to my wife and relations and pay all funeral expenses together with all my just debts and if the first named which may come due in the land belonging to my estate.

Second; I give and devise to my daughter Emmaline who now resides with me and who has ever been loyal friend and affectionate to me, caring for me in my infirmities and old age, all my Lancaster and South Kensington & Cross. No. — land, 43 acres, also my right title and interest in a certain entry of 27 acres adjoining to the other 43 acres on the west side to Morgan Lunsford and other lands.

Third; I do give and bequeath to the said Emmaline everything, my daughter, all live stock, farm tools, Lancaster goods etc, whatever, it is my will to possess and to live from my estate.

Fourth; I give and bequeath unto Susan in money to wit to the balance of my children, Vasey Derry, Vasey Bunker, and Oscar Derry and Minnie Thompson and heirs, the above also.

Fifth. My will and desire is that the residue of my estate (if any) after paying out the debts and obligations shall be paid, and and shall nothing be to current and if there should be any surplus over and above the payments of debts, expenses and legacies that such surplus shall be given or cleaved to my said dear son, Emmaline Derry.

Sixth; I hereby constitute and appoint my living friend J. P. Rust my lawyer and executor to all intents and purposes to execute this my last will and testament according to the last intent and meaning of it, saving and saving said and clause that my executor and attorney hereby receive and declare fully said all other wills and testaments by me before made.

In witness whereof, I the said Robert M. Derry, do hereunto set my hand and seal this 12 day of July, 1913.
Robert M. Derry

signed, sealed, Published and Delivered by the said Robert M. Derry to the 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.

Wm. E. Ladd
Robert M. Derry

Camp Fisher N.C.
March 13th 1863

Dear Brother,

I presume the Ball is in motion, I was up all night. Morning about 4 1/2 up to five in evening the best I could get up for it. At 5 o'clock we learned positively that the enemy was just below our breastworks.

It is now near 8 o'clock and the enemy is not yet in sight. But we hear the firing of cannon supposed to be our Croatan Battery. Badly prepared as we are I see there is not much inclination to surrender or retreat on the part of our leaders or men. I have just sent off Maria and she two Captives within 18 miles in the country where she will be safe I presume. I want you to do for me the very best you can whether I am living or dead if the Doctor sends Maria to home and Lord tell I possess in my own and her right during her life. Responsible to our better sense Maria, but always subject to any disposition she may want to make of any of our property, particularly her gun or stone her father once did own and also of property and or brother.

I want the Negroes sent except except for a fault to be judged of by the court. I give you the right to see all my property to pay my debts or for any other purpose I expect from the Union to be liberal in any event to all our relations and especially to my several sisters.

You may then from my hand enjoy & writing about your & sister, I am not very well yet, I am in a

hurry because the boy is waiting and I fear the mail will leave me. The nearest row of common sense I have writing, I want you to do it. I must be among our men. My affectionate regards to all and very especially to our aged parents.

I am affectionately yours,
J. W. Woodfin.

H. W. Woodfin, Esq.
Asheville, N. C.

Nov. 1863

A paper written purporting to be the last will and testament of the late John W. Woodfin, dec'd & said coming was produced in open court by H. W. Woodfin, the Executive of the court who swore that the same had been left with him for safe keeping and a receipt in his possession and produced in court. The said paper writing being offered by him for proof, is every person by the oath of J. B. Burges, A. B. Sawyer, B. M. Elmy, J. W. Woodfin, Jr., J. E. Oney and Mr. J. E. Hardy, who swore that they were well acquainted with the said writing & J. W. Woodfin, dec'd, and that they fully believe that it said paper writing and every part thereof as well as its endorsement on its Envelope, A. W. "H. W. Woodfin Esq., Asheville, N. C." is in the proper hand writing of the said John W. Woodfin, dec'd, and that said H. W. Woodfin was duly sworn as Executor.

State of North Carolina
County of Buncombe.

I, J. H. Carley Clerk of the Superior Court hereby certify that the foregoing