Gaston County -: In the Superior Court

In the Matter of the Will } Before
of Simon P. Costner. } J. B. White C.S.C.

J. E. Rhyne and Susan E. Costner being duly sworn, doth say: That Simon P. Costner late of said County is dead having first made and published his last Will and Testament: And that J. E. Rhyne and Susan E. Costner are the executors named therein. Further that the property of the said Simon P. Costner consisting of 135 acres of land. and Mule. one Cow. Hogs. Farming tools. Household and Kitchen furniture. Wagon. buggy &c. is worth about $1200. so far as can be ascertained at the date of this application: And that Susan Emiline Costner widow of testator. William Costner, Ed, Barbara E. Rhodes. col, Silvia Costner. col, Eliza C. White, Mary C. Rhyne, and Pilaski Costner. all of full age and residents of Gaston County N.C. are the parties entitled under said Will to the said property.

Sworn to and subscribed before me. } J. E. Rhyne
this 18th day of December 1886. } Susan E. her X Costner
J. B. White C.S.C. } mark

I. Simon P. Costner of the County of Gaston and State of North Carolina being of sound mind and memory. but considering the uncertainty of my earthy existence. do make this my last Will and Testament in manner and form following that is to say

being of Sound Mind and Memory. But Considering the uncertainty
of my earthy existence. do Make this my Last Will and Testament
in Manner and form follow. that is to Say that my Executors
herein after named Shall provide for my body a decent burriel Suited
to the Wishes of my relatives and friends And pay funeral expences
together with my just debts howsever and Johnnsever owing out of the
Monies that may first come into their hands as a part or parcel of my
Item I give and devise to my belovd wife Susan Emmaline all the tract of
land on which I now live to have and to hold.
Item I also give and bequeath to my wife Susan Emmaline that tract of
land known as the old home tract. William Costner (Colored) to have
twenty Acres out of it including the house that he now lives in and the
Spring. Barbara E. Rhodes (Colrd) to have twenty Acres including the
house that Barbara Shrum now lives and the Spring to be run off to
them after my death by my Executors.
It is my Wish that Silvia Costner (Colrd) to live on the old home
place as long as She lives or as long as She wants to Stay there. My Wife
Susan Emaline to have and to hold the old home tract not including
William Costners & Barbara E. Rhodes Share. her Liftime And after her
death and Silvias death or removed her interest to be equaly divided
between my belovd Niece Eliza E. White And my belovd Niece Mary
E. Rhyne. And my Nephews Pinkusvile Costner:
I give ~~and bequeath~~ to my wife the place wherein Evan Graham lives.

I give to my wife Susan Annaline all the beds and furniture and all the household furniture and all the Kitchen furniture and all the Stock of Cattle. Horses & Mules. Hogs and Sheep and all the Hogs fowls and poultry and all the Crops of every description that may be upon the plantation whereon I live. And all the rents due of the old home tract and all the provisions that may be on hand at the time of my death.

I also give to wife Susan Annaline my Wagon & buggy and all the farming tools of every description and blacksmith tools and all tools of every description that may be upon the plantation at the time of my death.

I also give and bequeath to my Wife Susan Annaline all the monies and notes together with all dues in any way due me at the time of my death.

And lastly I do hereby Constitute & appoint my trusty friend J. Ebia Rhine and my loving Wife Susan Annaline my Lawful Executors to all intents and purposes to execute this my last Will and testament according to the true intent & meaning of the same and every part and Clause thereof hereby revoking and declaring utterly void all other Wills & testament by me heretofore made. In witness hereof I the said Simon P. Costner do hereunto Set my hand Seal. this the tenth day of February A.D. 1881.

Simon P. Costner (Seal)

Signed Sealed Published and declare by the said Simon P. Costner to be his last Will & testament in the presence of us who at his request and in his presence do subscribe our names as witness thereto.

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 witness thereto.

Wit Miles Withers

John M. Rhodes

State of North Carolina } In the Superior Court
Gaston County }

A paper purporting to be the Last Will and Testament of Simon P. Costner deceased. is exhibited before me, the undersigned Clerk of the Superior Court for said County by J. C. Rhyne and Susan C. Costner the Executors therein mentioned. And the due execution thereof by the said Simon P. Costner, by the oath and examination of Miles Withers and John M. Rhodes the Subscribing Witnesses thereto. Who being duly sworn, doth depose and say. And each for himself deposeth and saith, that he is a Subscribing to the paper-writing now shown him, purporting to be the last Will and Testament of Simon P. Costner that the said Simon P. Costner, in the presence of this deponent subscribed his name at the end of said paper-writing, which now shown as aforesaid. And which bears date of the 10th day of February 1881.

And the deponent further saith, that the said Simon P. Costner the testator aforesaid, did, at the time of subscribing his name as aforesaid, declare the said paper-writing so subscribed by him and exhibited, to be his last Will and Testament, and this deponent did thereupon subscribe his name at the end of said Will as an attesting witness thereto. And at the request and in the presence of the said testator.

(over)

And this deponent further saith, that at the said time when the said testator subscribed his name to said last Will as aforesaid. And at the time of deponents subscribing his name as an attesting witness thereto, as aforesaid, the said Simon P. Costner was of sound mind & memory, of full age to execute a Will, and was not under any restraint to the knowledge, information or belief of this deponent. And further these deponents say not.

Severally sworn & subscribed this 18th day of December 1886 before me. J. B. White, C. S. C.

Miles Withers {Seal}
John M Rhodes {Seal}

State of North Carolina } In the Superior Court
Gaston County }

It appearing to the Court by the oath and examination of Miles Withers and John M. Rhodes the subscribing witnesses thereto, that the paper writing propounded by the Executors therein named, is the last Will & testament of Simon P. Costner. And that the same was duly executed by said Simon P. Costner in the presence of said witnesses and that at the time of signing the same the said Simon P. Costner was of sound mind.

It is thereupon adjudged that the said paper-writing be admitted to probate as the last Will & testament of the said Simon P. Costner and the Executors therein named qualified as such.