

B. Frank Sutton

Application

of

Millie P. Sutton

for

Letters Testamentary

State of North Carolina }
Lenoir County }In the matter of the last }
Will of B. Frank Sutton }

Before E. M. Bizzell

Clerk Superior Court

Millie P. Sutton being duly sworn, deposes, doth say:

That B. Frank Sutton, late of said County, is dead

having first made and published his last will and

Testament; and that Millie P. Sutton is the executrix

named therein.

Further, that the property of the said B. Frank Sutton

consisting of real and personal property, is worth

about \$10,975.00 so far as can be ascertained at the

date of this application; and that Herman Sutton

and Millie P. Sutton, are the parties entitled under

said will to the said property.

I sworn to and subscribed

before me the 9th day of March 1887

E. M. Bizzell

Clerk Superior Court

Before E. M. Bizzell

Clerk Superior Court

Millie P. Sutton being duly sworn, doth say:

That B. Frank Sutton, late of said County, is dead

having first made and published his last will and

Testament; and that Millie P. Sutton is the executrix

named therein.

Further, that the property of the said B. Frank Sutton

consisting of real and personal property, is worth

about \$10,975.00 so far as can be ascertained at the

date of this application; and that Herman Sutton

and Millie P. Sutton, are the parties entitled under

said will to the said property.

I sworn to and subscribed

before me the 9th day of March 1887

E. M. Bizzell

Clerk Superior Court

B. Frank Sutton the testator aforesaid, did, at the time of subscribing his name as aforesaid, declare the said paper writing to be subscribed by him and exhibited, to be his Last Will and Testament, and then deponent did thereupon subscribe her name at the end of said will as an attesting witness thereto, and at the request and in the presence of the said testator. And this deponent further saith, that at the said time when the said testator subscribed his name to the said last will as aforesaid, and at the time of deponent's subscribing her name as an attesting witness thereto, as aforesaid, the said B. Frank Sutton 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 this deponent. And further these deponents say not.

Robertta Harder *(Seal)*Amelia Harder *(Seal)*

Solemnly sworn and subscribed
this 9th day of March 1887. before
me E. M. Bizzell
Clerk Superior Court

Examination

of

Witnesses

State of North Carolina }
Lenoir County }

In the Superior Court

A paper purporting to be the Last Will

and Testament of B. Frank Sutton deceased, is exhibited

before me, the undersigned, Clerk of the Superior

Court for said County, by Millie P. Sutton the executrix

therein mentioned, and the due execution thereof

by the said B. Frank Sutton by the oath and examina-

tion of Robertta Harder and Amelia Harder the

subscribing witnesses thereto, who being duly sworn

doth depose and say, and each for herself depose

and saith that she is a subscribing witness to the

paper writing now shown her, purporting to be the last

will and Testament of B. Frank Sutton; that the said

B. Frank Sutton, in the presence of this deponent, subscribed

Executors

Oath

State of North Carolina }
Lenoir County }

In the Superior Court

I Millie P. Sutton do solemnly swear that

I believe this writing to be and contain the last

Will and Testament of B. Frank Sutton deceased

and that I will well and truly execute the same

by first paying his debts and then his legacies,

as far as the said estate shall extend, or the law

will charge me; and that I will well and faithfully

execute the office of an executrix agreeable

to the trust and confidence reposed in me, and

according to law. So help me God.

I sworn and subscribed

before me, this 9th day

of March 1887.

E. M. Bizzell.

Clerk Superior Court

Millie P. Sutton

The Will

In the name of God. Amen.

I B. Frank Sutton of the County of Lenoir and State of North Carolina being of sound mind and memory but considering the uncertainty of this transitory life do make and declare this to be my last Will and Testament in manner and form following, that is to say:

It is my will and desire that my executrix hereinafter named shall provide for my body a proper and decent burial, one suitable to the wishes of my family and relations, and that she pay all funeral expenses together with all my just debts that I may owe out of the first moneys that may come into her hands as a part and parcel of my estate.

Item 1st. It is my will and desire that my beloved wife Willie P. Sutton shall have absolute controule of all the real and personal property that I may die seized and possessed of till my son Herman arrives at the age of twenty one years, to use the income thereon for her support, and the support and education of my son, Herman as she may deem proper, provided my beloved wife does not marry, but if she should marry again in that case it is my will and desire that she shall have no further controule over my property that the law may direct.

Item 2nd. I give, devise and bequeath to my son Herman and his heirs, all the real and personal property that I may die seized and possessed of, but if he should die without issue living at his death then the property hereby given both real and personal, shall revert and go over to my heirs at Law, with this proviso that my beloved nephew Willie F. Sutton shall share double the proportion that the law would give him, and that my beloved Brother O. P. Sutton as agent for his children then living shall share double the proportion that the law would direct to be equally divided among his children then living their heirs and assigns forever.

Item 3rd. It is my will and desire that in case of the death of my son Herman before he

arrives at the age of twenty one years or should he die without issue living at his death, that my beloved wife shall have absolute controule over my real and personal property for her own use and support during her natural life, provided she does not marry again, but if she should marry again it is my will and desire that she shall not have any further controule over my property than the law may direct.

Lastly, I hereby constitute and appoint my beloved wife Willie P. Sutton my lawful executrix to execute this my last will and Testament and every part and parcel thereof according to the true intent and meaning thereof, hereby revoking and declaring void all other wills and Testaments by me heretofore made.

In testimony whereof I have herewith set my hand and seal this 23rd day of February 1887.

Signed, sealed, published and B. Frank Sutton (read) declared by the said B. Frank Sutton to be his last Will and Testament in our presence and at his request and in his presence we subscribe our names as witnesses hereto.

Amelia Harder

Roberta Harder

Probate
of
Will

State of North Carolina } In Superior Court.
Lenoir County }

In the matter of the last will of B. Frank Sutton, It appearing to the Court by the oath and examination of Amelia Harder and Roberta Harder the subscribing witnesses thereto, that the paper writing propounded by the Executrix therein named, is the last will and Testament of B. Frank Sutton and that the same was duly executed by said B. Frank Sutton in the presence of said witnesses and that at the time of signing the same the said B. Frank Sutton was of sound mind. It is thereupon adjudged that the said paper writing, be admitted to probate as the last will and Testament of the said B. Frank Sutton and the Executrix therein named qualify as such.

On the 7th day of March 1887

E. W. Biggell
Clerk Superior Court

Recorded in the office of the Superior Court
Clerk of Lenoir County. This the 11th day of
March 1887.

E. W. Biggell
C. S. C.

John M. Davis
Application
of
Stephen H. Davis
For
Letters
Testamentary

State of North Carolina }
Lenoir County

In the matter of the last will } Before E. W. Biggell
of John M. Davis } Clerk Superior Court

Stephen H. Davis being duly sworn, doth say:
That John M. Davis, late of said County, is dead,
having first made and published his last will
and Testament; and that he Stephen H. Davis is
the executor named therein. Further, that the
property of the said John M. Davis consisting of
Personal Property is worth about \$300. so far as can
be ascertained at the date of this application; and
that Elizabeth Davis, Berenda Stroud & her heirs, Anthony
Davis, Stephen H. Davis, George H. Davis & John Jay
Davis, are the parties entitled under said will to the
said property.

Sworn to and subscribed before } Stephen H. Davis
me the 19th day of February 1887. }
E. W. Biggell
Clerk Superior Court

Examination
of
Witness

State of North Carolina } In the Superior Court
Lenoir County

A paper purporting to be the last Will and
Testament of John M. Davis deceased, is exhibited
before me, the undersigned, Clerk of the Superior
Court for said County, by Stephen H. Davis the
executor therein mentioned, and the due execution
thereof by the said John M. Davis by the oath and

examination of John M. Morley, one of the subscribing
witnesses thereto, who, being duly sworn, doth depose
and say, and for himself depose and saith that
he is a subscribing witness to the paper-writing now
shown him, purporting to be the last will and Testa-
ment of John M. Davis; that the said John M. Davis, in
the presence of this deponent, subscribed his name, in
the clause "In witness whereof I the said John M. Davis doth"
of said paper-writing, which is now shown as aforesaid,
and which bears date of the 9th day of July 1885.

And the deponent further saith, that the said John
M. Davis the testator aforesaid, did, at the time of subscri-
bing 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. And this deponent
further saith, that at the said time when the said
testator subscribed his name to the said last Will
as aforesaid, and at the time of deponent's subscribing
his name as an attesting witness thereto, as aforesaid,
the said John M. Davis 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 this deponent. And further this deponent
say not.

John M. Morley (Test)
Severally sworn and subscribed
this 19th day of February 1887 before
me E. W. Biggell
Clerk Superior Court

Affidavit
of
Mr. M. H. Hunter

North Carolina } Superior Court
Lenoir County } February 19th 1887

In the matter of the will
of John M. Davis.

Personally appeared before me the undersigned,
Clerk Superior Court, Mr. M. H. Hunter, who, being, by me,
duly sworn, says: that he has examined the paper-
writing exhibited by Stephen H. Davis, purporting to be
the last will and testament of John M. Davis, and