

State of North Carolina } Superior Court
Lenoir County } Before E. H. Biggell
J.C.

Luisa C. Lassiter Plt

vs.
Geo. A. Pitts & A. Pitts } Petition
Mary E. Pitts, Eugene
Cross and Lora Cross Dfts

To the Clerk of Lenoir Superior Court.

Your petitioner would respectfully show to the Court:

- 1 That Sally Pitts late of the state and County aforesaid, died Nov. 30, 1857 leaving her surviving as her heirs at law, Your petitioner and all of the above named Defendants;
- 2 That on Oct 6th 1857, the said Sally Pitts duly executed and published her last will and Testament which is herewith attached and filed;
- 3 That your petitioner Luisa C. Lassiter is the executrix named in said will;
- 4 That the property of said Sally Pitts, consisting of real and personal property, is worth about three thousand dollars so far as can be ascertained at the date of this petition.
- 5 That your petitioner Luisa C. Lassiter and the defendant Mary Pitts are the parties entitled under said will to said property.

Therefore your petitioner respectfully asks that the said defendants be served with notice to appear before the Court aforesaid and "see the proceedings," and show cause, if any, why the will of the said Sally Pitts should not be duly probated according to the true intent and purposes thereof.

Dec 14. 1857

J. R. Biggell Atty
for Plaintiff.

Luisa C. Lassiter being duly sworn says that the facts set forth in the above petition are of her own knowledge true except as to those

stated on information and belief and as to those she believes them to be true.

Sworn to and subscribed } Luisa C. Lassiter
before me this Dec. 14. 1857 }
E. H. Biggell J.C.

State of North Carolina } Superior Court
Lenoir County } Before E. H. Biggell J.C.

Luisa C. Lassiter Plt

vs.
Geo. A. Pitts and others } Order

This cause coming on to be heard on the petition of the above action, and being heard, it appears to the Court that facts therein stated are true. It is therefore, on motion ordered that notice be served on each of said defendants to appear before the Clerk of Lenoir Superior Court on the 4th day of Jan'y 1858, to answer or demur to the petition aforesaid, if they may deem it proper to do so
Dec 14. 1857

E. H. Biggell
J.C.

State of North Carolina } Lenoir Superior Court
Lenoir County } Before E. H. Biggell J.C.

Luisa C. Lassiter

vs.
Geo. A. Pitts, A. Pitts } Notice
Mary E. Pitts Eugene Cross
and Lora Cross

To Geo. A. Pitts Mary E. Pitts & Eugene Cross.

A paper writing purporting to be the last will and Testament of Sally Pitts dec'd, together with the petition of Luisa C. Lassiter the executrix therein named being this day duly exhibited and filed in the Office of the Clerk of Lenoir Superior Court, Now therefore the said Geo. A. Pitts

Mary E. Pitts and Eugene Cross are hereby notified to be and to appear before the clerk of said court January the 4th 1888, to "see the proceedings" and to show cause, if they deem it proper to do so, why the will of the said Sally Pitts dec'd. should not be duly probated according to the true intents and purposes thereof.

Given under my hand this Dec. 14. 1887

E. M. Riggall
Clerk Superior Court
of Lenoir County

Served Dec. 16. 1887

By delivering copies
J. D. Sutton Shiff
By G. H. Hartman D.C.

State of North Carolina, Lenoir Superior Court
Lenoir County } Before E. M. Riggall D.C.

Louisa C. Lassiter Plaintiff

vs

Geo. A. Pitts, Co. A. Pitts.
Mary E. Pitts, Eugene Cross
& Lora Cross Defendants

Notice

To Geo. A. Pitts and Lora Cross

A paper writing purporting to be the last will and Testament of Sally Pitts dec'd, together with the petition of Louisa C. Lassiter the executrix therein named, being this day duly exhibited and filed in the office of the Clerk of Lenoir Superior Court. Now therefore the said Geo. A. Pitts and Lora Cross are hereby notified to be and to appear before the clerk of said court Jan 4th 1888, to "see the proceedings" and to show cause if they deem it proper to do so, why the will of the said Sally Pitts dec'd. should not be duly probated according to the true intents and purposes thereof.

Given under my hand and seal

this Dec. 14. 1887

E. M. Riggall
Clerk Superior Court
of Lenoir County

Received Dec. 16th 1887

Wm. Propert Shiff

Served Dec 19. 1887 on Geo. A. Pitts

by handing him a copy. Lora Cross not to be found in my County.

Wm. Propert Shiff

State of North Carolina, Lenoir Superior Court
Lenoir County } Before E. M. Riggall D.C.

Louisa C. Lassiter Plaintiff

vs

Geo. A. Pitts, Co. A. Pitts
Mary E. Pitts Eugene Cross
and Lora Cross Defendants

Notice

To Lora Cross

A paper writing purporting to be the last will and Testament of Sally Pitts dec'd together with the petition of Louisa C. Lassiter the executrix therein named, being this day duly exhibited and filed in the office of the clerk of Lenoir Superior Court. Now therefore the said Lora Cross is hereby notified to be and to appear before the clerk of said court, within ten days from the date of service of this notice to "see the proceedings" and to show cause if she deems it proper to do so, why the will of the said Sally Pitts dec'd should not be duly probated according to the true intents and purposes thereof.

Given under my hand and seal this Jan. 6th 1888.

E. M. Riggall
Clerk Superior Court
of Lenoir County D.C.

Received Jan 9/88
Served by delivering to
them a true copy of the
within

J. D. Cooper Shiff
By R. L. Maspin D.C.
Jan 12. 1888

State of North Carolina }
 Lenoir County } S.D. in the Superior Court.

A Paper purporting to be the last will and Testament of Sally Pitts deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by Lurion B. Lassiter the executrix therein mentioned, and the due execution thereof by the said Sally Pitts by the oath and examination of J. M. Hadley and Stephen Lassiter the subscribing witnesses thereto; who, being duly sworn secretly and severally doth depose and say, and each 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 Testament of Sally Pitts: that the said Sally Pitts, in the presence of this deponent, subscribed her name at the end of said paper-writing, which is now shown as aforesaid, and which bears date of the 6th day of October, 1887.

And the deponent further saith, that the said Sally Pitts the testatrix aforesaid, did, at the time of subscribing her name as aforesaid, declare, the said paper-writing so subscribed by her and exhibited, to be her 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 testatrix. And this deponent further saith, that at the said time when the said testatrix subscribed her 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 Sally Pitts 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.

Severally sworn and
 subscribed this 31. day of Jan'y
 1888 before me

E. M. Bizzell
 Clerk Superior Court

J. M. Hadley
 Stephen Lassiter

State of North Carolina } Superior Court
 Lenoir County }

In Re Last will and Testament }
 of Sally Pitts deceased } Orer

This Cause coming on to be heard on the petition of Lurion B. Lassiter, the executrix named in the last will and testament of the said Sally Pitts, and it appearing to the Court that all the heirs at law and the next of kin of the said Sally Pitts, have been duly served with notice to show cause, if they deemed it proper, why the said will of Sally Pitts aforesaid, should not be probated according to the true intent and purport thereof: And whereas it further appears to the Court that none of the heirs-at-law or next of kin of the said Sally Pitts have, within the time required by law, appeared before this Court and demurred to, or denied any of the allegations of the petition hereinbefore mentioned; and whereas it further appears to the Court by the oath and examination secretly and severally taken of J. M. Hadley and Stephen Lassiter, the subscribing witnesses to the said last will and testament of Sally Pitts, deid, that the paper-writing propounded by the executrix thereas named, is the last will and testament of Sally Pitts aforesaid; and that the same was duly executed by said Sally Pitts in the presence of said witnesses J. M. Hadley and Stephen Lassiter; And further that at the time of signing the same the said Sally Pitts was of sound mind and memory;

Now therefore, it is adjudged and decreed that the said paper-writing be, and the same is hereby admitted to be, as the last will and testament of the said Sally Pitts; and that the said Lurion B. Lassiter, the executrix therein named qualify as such.

This Jan 31. 1888

E. M. Bizzell
 Clerk Superior Court

State of North Carolina,
Lenoir County } ss. In the Superior Court.

A Paper purporting to be the last will and Testament of Sally Pitts deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by Lenoir C. Lassiter the executrix therein mentioned, and the due execution thereof by the said Sally Pitts by the oath and examination of J. M. Hadley and Stephen Lassiter the subscribing witnesses thereto, who, being duly sworn secretly and severally doth depose and say, and each 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 Testament of Sally Pitts; that the said Sally Pitts, in the presence of this deponent, subscribed her name at the end of said paper-writing, which is now shown as aforesaid, and which bears date of the 6th day of October 1887.

And the deponent further saith, That the said Sally Pitts the testatrix aforesaid, did, at the time of subscribing her name as aforesaid, declare, the said paper-writing so subscribed by her and exhibited, to be her 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 testatrix. And this deponent further saith, that at the said time when the said testatrix subscribed her 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 Sally Pitts 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.

Severally sworn and
subscribed this 31. day of Jan'y
1888 before me

E. M. Bizzell
Clerk Superior Court

J. M. Hadley (sworn)
Stephen Lassiter (sworn)

State of North Carolina } Superior Court
Lenoir County }

In Re Last will and Testament }
of Sally Pitts deceased } Orator

This Cause coming on to be heard on the petition of Lenoir C. Lassiter, the executrix named in the last will and testament of the said Sally Pitts, and it appearing to the Court that all the heirs at law and the next of kin of the said Sally Pitts, have been duly served with notice to show cause, if they deemed it proper, why the said will of Sally Pitts aforesaid, should not be probated according to the true intent and purposes thereof; And whereas it further appears to the Court that none of the heirs at law or next of kin of the said Sally Pitts have, within the time required by law, appeared before this Court and demurred to, or denied any of the allegations of the petition hereinbefore mentioned; and whereas it further appears to the Court by the oath and examination secretly and severally taken of J. M. Hadley and Stephen Lassiter, the subscribing witnesses to the said last will and testament of Sally Pitts, that the paper-writing propounded by the executrix therein named, is the last will and testament of Sally Pitts aforesaid; and that the same was duly executed by said Sally Pitts in the presence of said witnesses J. M. Hadley and Stephen Lassiter; And further that at the time of signing the same the said Sally Pitts was of sound mind and memory;

Now therefore, it is adjudged and decreed that the said paper-writing be, and the same is hereby admitted to be, the last will and testament of the said Sally Pitts; and that the said Lenoir C. Lassiter, the executrix therein named qualify as such.

This Jan 31. 1888

E. M. Bizzell
Clerk Superior Court

The Will
of
Sally Pitts

In the name of God. Amen.

I Sally Pitts of Lenoir County N.C. being of sound mind and memory; but recognizing the uncertainty of all earthly things do this Oct. 6th 1887, make and execute this my last will and testament in manner and form following viz.

Item First. I desire that after my death my Executors hereinafter named shall provide for my body a suitable burial.

Item 2^d I desire that out of the proceeds of my property my Executors shall pay all my just and lawful debts.

Item 3^d I will and desire that my entire estate whether Real or personal property shall be equally divided between my two daughters Mary E. Pitts and Louisa C. Passitter and that the survivor of the two shall have the interest of the other.

Item 4th I hereby constitute and appoint Louisa C. Passitter my lawful Executor to carry out the provisions of this my last will and testament.

Given under my hand and in the presence of these witnesses at Spring Hill Lenoir County N.C. This Oct. 6th 1887.

Test

J. M. Hadley
Stephen Passitter

Sally Pitts

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

I Louisa C. Passitter do solemnly swear (or affirm) that I believe this writing to be and contain the last will and Testament of Sally Pitts deceased; and that I will well and truly execute the same by first paying her debts and then her 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 confide-

reposed in me, and according to law, so help me God.

Sworn and Subscribed before me, this 31st day of January 1888

E. M. Biggell

Clerk Superior Court

Louisa C. Passitter

Recorded in the Office of the Clerk of the Superior Court of Lenoir County and State of North Carolina, on the 29th day of July 1888

E. M. Biggell

Clerk Sup. Court