

last will and testament of the said John H. Phillips, dec'd, together with these proceedings.

H. H. Munns,
C. S. C.

Enrolled in the office of the Clerk of the Superior Court of Lenoir County, the 23rd day of June, 1885.

H. H. Munns, C. S. C.
H. H. Hunter, D. C.

H. A. Phillips.

Lenoir County: In the Superior Court,

Application
of
J. B. Loftin
for
Letters Testamentary

In the matter of the Will } Before H. H. Munns,
of H. A. Phillips } Clerk Superior Court.

J. B. Loftin being duly sworn, doth say:

That H. A. Phillips, late of said County, is dead, having first made and published his last will and testament, and that J. B. Loftin is the Executor therein named.

Further, that the property of the said H. A. Phillips, consisting of wearing apparel, books &c., and one tract of land, is worth about \$1000, so far as can be ascertained at the date of this application; and that James Harper, Will Pope, Sue Phillips, daughters of Drew Phillips, the two children of H. A. Phillips, Sue Phillips, and the children of Drew Phillips and J. E. P. Harper are the parties entitled under said will to the said property.

J. B. Loftin.

Sworn to and subscribed
before me this 11th day of
July, 1885.

H. H. Munns,
C. S. C.

Examination
of Witnesses.

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

A paper purporting to be the last will and testament of H. A. Phillips, deceased, before me, the undersigned, clerk of the Superior Court for said County, is exhibited by J. B. Loftin, the Executor therein mentioned, and the due execution thereof by the said H. A. Phillips is duly proven by the oath and examination of R. C. West and D. E. Perry, the subscribing

witnesses hereto, who, being duly sworn, doth depose and say, and each for himself aforesaid and each that he is a subscribing witness to the paper writing, now shown him, purporting to be the last will and testament of H. A. Phillips; that the said H. A. Phillips, in the presence of this deponent subscribed his name at the end of said paper writing, which is now shown as aforesaid, and which bears date of the 5th day of June, 1885.

And the deponent further saith that the said H. A. Phillips 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 paper will as an attesting witness thereto, and at the request, and in the presence of 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 H. A. Phillips 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.

D. E. Perry Seal
R. C. West Seal

Solemnly sworn and subscribed
this 11th day of July, 1885, before me.
H. H. Munns,
C. S. C.

Couch of
Executor

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

J. B. Loftin, do solemnly swear that I believe this writing to be and contain the last will and testament of H. A. Phillips, deceased; and that I will well and truly execute the same, by first paying his debts and then his legacies, as far as the estate shall extend, or the law will charge me; and that I will well and faithfully execute the office of an executor agreeable to the trust and confidence reposed in me, and according to law to help me.
J. B. Loftin.

Sworn and subscribed before
me this 11th day of July, 1885.
H. H. Munns, C. S. C.

I, W. A. Phillips of the State of North Carolina, and County of Lenoir being of sound mind and memory, but considering the uncertainty of my earthly existence, do make and declare this to be my last will and testament in manner and form following, that is, to say:

First. That my executor hereinafter to be named shall provide for my body a decent burial suitable to the wishes of my friends, and pay all funeral expences, together with my just debts howsoever and to whomsoever owing out of the moneys that may first come into his hands as a part or parcel of my estate.

Item. It is my will and desire that my executor shall sell all of my real estate of every description wheresoever situated and especially my plantation in Contentne a Neck Township in said County, adjoining the lands of W. H. Rountree, C. J. Brooks and others the same to be paid for in five equal instalments, as follows: the first payment to be cash and the other four to be paid in equal yearly instalments with interest from date of sale at the rate of 8%, and when the same shall be paid for in full that he, my said Executor, shall make title in fee to the purchaser.

Item. I give and bequeath to my cousin James Harter all of my personal property except that herein after specifically bequeathed to other persons to be his absolutely and forever.

Item. I give and bequeath to my little friend Will Pote, son of Capt. W. J. Pote, my breech loading double shot gun, game bag, and all equipments thereto belonging. Also my bird dog named "Guss" to be his solely and absolutely forever.

Item. I give and bequeath to my cousin Sue Phillips, daughter of Thos Phillips, my gold medal on one side of which is inscribed "Franklin Horner School Society, and on the other "Orators W. A. Phillips medal".

Item. It is my will and desire that my executor shall out of the moneys arising from the sale of my lands, or that may come into his hands in any other manner as a part or parcel of my estate, erect or cause to be erected, suitable tombstones to the memory of my father, mother and brother Henry and myself, at our family burying ground in the Neck Township, also cause to be enclosed with a substantial iron fence, our grave yard at a cost not to exceed the sum of Seven Hundred and fifty dollars (\$750.00.)

I give and bequeath to the two children of W. A. Phillips, my

cousin, five hundred dollars each.

Item. I give and bequeath to cousin Sue Phillips five hundred dollars.

Item. All the rest and residue of my estate I give and bequeath to the children of Thos Phillips and J. E. P. Harter.

Lastly. I hereby constitute and appoint F. B. Loftin of Goldsboro, N. C., to be my lawful executor to execute this my last will and testament according to the true intent and meaning thereof hereby revoking and declaring utterly void all other wills by me heretofore made and executed.

In witness whereof I, the said W. A. Phillips, do hereunto set my hand and seal this June 15th, 1885.

W. A. Phillips (Seal)

Signed, sealed, published and declared by said W. A. Phillips 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 witnesses thereto.

R. C. Hart.

D. E. Perry.

Probate.

State of North Carolina, } Superior Court,
Lenoir County. } July 11, 1885.

A paper writing purporting to be the last will and testament of W. A. Phillips, deceased, is exhibited before me, the undersigned, Superior Court Clerk of said County, by F. B. Loftin, the executor therein named; and the due execution thereof is proved by the oath and examination of R. C. Hart and D. E. Perry, the subscribing witnesses thereto. It is, therefore, ^{and assigned} considered by the Court that the said paper writing, and every part and clause thereof is the last will and testament of the said W. A. Phillips, and the same, as such, is ordered to be recorded and filed. And thereupon the said F. B. Loftin, executor as aforesaid, duly qualifies, as such, by taking the oath required by law, whereupon letters testamentary, with a copy of the will annexed, are issued to him.

W. H. Dunn, C. S. C.

Enrolled in the office of the Superior Court Clerk of Lenoir County, the 15th day of July, 1885.

W. H. Dunn, C. S. C.

W. H. Dunn, D. C.