

State of North Carolina Court of Pleas & Quarter Sessions
Union County 6 April Term 1853

This instrument of writing the last will and testament of
Susannah Stetto was produced in open Court and was proved in
due form of Law by R L Howard. Whereupon James Henryan the
Executor therein named was duly sworn according to Law and takes
testamentary office

J. M. Howard clk

David Phifer last will & Testament

I David Phifer of the County of Union and State of North Carolina being
weak in body but of sound mind and memory do make and publish this
my last will and testament in manner and form following that is to say

First that my Executors hereinafter named provide for my body a decent
burial suitable to the wishes of my relations and friends and pay all funeral
expenses together with my Just debts howsoever and to whomsoever owing out
of the money that may first come into their hands as a part or parcel of
my estate

Item I give and devise unto my beloved wife Elizabeth Phifer two
Hundred and fifty acres of land in lieu of her thirds or dower of all
my lands to be set out by miles and bounds on the south end of
my plantation or tract on which I now live so as to include my mansion
house and out houses and other improvements Beginning at a corner

David Phifer will cont^d

near Eldy Gray House and running North East so as to include the above number of acres, together with the household & kitchen furniture valued to be worth Eight hundred and fifty Dollars

which is to come out of her part of my Estate hereinafter named to the use of her and her heirs forever, nevertheless if my wife would rather have the Eight hundred and fifty Dollars in Cash than to take this land as her thirds of my real estate I leave it to her choice, either to take the land or the Cash

Itain my will and desire is that my beloved wife Elizabeth Phifer at my decease have one years provisions for herself and all her children under age together with the above named land which is to be in lieu of her dower and thirds of all my real estate

Itain My will and desire is that my Gold mine tract together with the Mills and sand on the plantations where Drucilla Phifer now lives at my decease be sold to the highest bidder and the proceeds to be equally divided among my heirs hereinafter named, or if my Executors hereinafter named in their wisdom and discretion think best not to sell the mine or sand, I authorize them to work or lease agreeable to their judgment for the best interest of my estate and pay to my heirs, hereinafter named their ratable part of the proceeds once a year without interest after deducting seventy five Dollars as pay for their trouble in attending to said mine, two thirds of which is to go to my son William Phifer

If my Executors hereinafter named should think best not to sell the

interested in their wisdom and discretion think best not to sell the mine
or sand, I authorize them to work or lease agreeable to their judgment
for the best interest of my estate and pay to my heirs, hereinafter named
their ratable part of the proceeds once a year without interest after
deducting seventy five dollars as pay for their trouble in attending to
said mine, two thirds of which is to go to my son McCollum Phifer

If my Executors hereinafter named should think best not to sell the
mine and have it worked as above and should find after working the mine
for a time that it would be best to sell the mine I leave it entirely to their
wisdom and discretion to sell at any time they may think best or have
it worked as above

It is My will and desire is that my Executors hereinafter named at
my decease shall my negroes property in families or at their discretion
of my Executors and the balance of my land not otherwise disposed of
together with all the balance of my property not above named, sale
to be conducted as all Executors & administrators sales are, and the proceeds
of sale together with what notes and cash may be on hand at the time of
my decease all to be disposed of as follows

It is My will and desire is that my son Matthias Phifer Heirs
my son David Phifer Heirs my son Ezra Phifers Heir my son McCollum
Phifer my daughter Rachael Pevers Heirs my daughter Martha
Craig Heirs each receive as much of my estate as the value of my
land given to my wife, then my beloved wife Elizabeth Phifer
and the above named Heirs with the exceptions, hereinafter named
to share and share alike

David Phifer will cont^d

Item My will and desire is that if my grand daughter Mary Jane Phifer should die before she comes of age to receive her part of my estate it to be equally divided among my lawful Heirs with the exception of Five hundred dollars allowed to her mother for raising said child

Item My will and desire is that so far as selling the property and collection of debts will devolve on my son McCallum Phifer mostly I allow him to have four fifths of the profits allowed them by Law for attending to the same, and lastly I do hereby constitute and appoint my son McCallum Phifer and my wife Elizabeth Phifer my lawful Executors to all intents and purposes to execute this my last will and testament according to the true intent and meaning of the same and every part and clause thereof, hereby revoking and declaring utterly void all other wills and testaments by me heretofore made

In witness whereof I the said David Phifer do hereunto set my hand and seal this first day of September A.D. 1848

Signed sealed published and declared by the said David Phifer to be his last will and testament in presence of us who at his request and in his presence do subscribe our names as witnesses thereto

Amos Stevens Jrt

John A Ormond Jrt

David Phifer



Codicil to the foregoing will

David Phifer

present of us who at his request and in his presence
do subscribe our names as witnesses thereto

Amos Stevens

John A Ormond

Codicil to the foregoing will

Whereas I David Phifer have made my last will and testament in writing bearing date the first day of September Eighteen hundred and forty eight and have thereby made sundry devises and bequests according to the then existing circumstances of my Estate but which circumstances having materially changed I do by this my writing which I hereby declare to be a Codicil to my said will to be taken and construed as a part thereof: I will and direct that my beloved wife Elizabeth Phifer in addition to the lands above bequeathed to her as her dower in land have four acres off the west corner of the Plantations I bought from Amos Stevens bounded as follows Beginning at a white Oak near my lot and runs N 113 E 37 poles to a black Oak then South 53 poles to a white Oak by a large Spanish Oak thence N 43 W 37 poles to the beginning containing four acres on Conditions as above stated. I will that the balance of the land I bought of Amos Stevens be sold all together or in smaller lots as my Executors think proper and the proceeds divided among my heirs as directed above

In testimony whereof I hereunto set my hand and seal this fifth day of February A.D. 1852

David Phifer's will cont^d

Signed sealed published and declared
by the said David Phifer to be a codicil
or part of his last will and testament
in presence of us who at his request and
in his presence do subscribe our names
as witnesses

Amos Stevens srt.

John N Ormond srt.

David Phifer Seal

State of North Carolina & Court of Pleas & quarters for
Union County (April Term 1853)

This Instrument of writing the last will and testament of
David Phifer was produced in Open Court and was proved
in due form of Law. by Amos Stevens & John N Ormond
Whereupon McCollum Phifer one of the Executors therein named
was duly sworn according to Law & letters testamentary said

M. Stewart Clk.

Jacob Wolf last will & Testament

February the 11th 1851.