

which is now shown as aforesaid, and which bears date of the 23d day of February, 1920.

And this deponent further saith, that the said Feby Ann Patrick, the testatrix aforesaid, did, at the time of subscribing her name as aforesaid, declare the said paper writing as 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 said testatrix. And this deponent further saith, that at the same time when the said testatrix subscribed her name to the said last Will as aforesaid, and at the time of the deponent's subscribing his name as attesting witness thereto, as aforesaid, the said Feby Ann Patrick 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.

Personally sworn and subscribed, }  
 This 15th day of March, 1922, before me, } <sup>James H. Patrick</sup>  
 C. W. Tinsboro. } <sup>James Patrick</sup>  
 Clerk Superior Court.

North Carolina, } ss. In the Superior Court,  
 Washington County, }

It is therefore considered and adjudged by the Court that the said paper writing and every part thereof is the last Will and Testament of Feby Ann Patrick, deceased, Let said Will, together with the probate, be recorded and filed.

This 15th day of March, 1922,

C. W. Tinsboro,

Clerk Superior Court.

State of North Carolina, }  
 Washington County, }

I, John H. Oliver of the aforesaid County and State, being of sound mind but considering the uncertainty of my earthly existence, do make and declare this my last will and testament; First, my executor shall give my body a decent burial, suitable to the wishes of my friends and relatives, and pay all funeral expenses together with all my just debts, if any, out of the first moneys which may come into his hands belonging to my estate.

Second, I give and bequeath to my son Augustus Oliver, the sum of Fifty Dollars, (\$50.00) and to each of the following named of my children, namely, Pearl Oliver, Corlie Sawyer, Milton Oliver and Ella Harrison the sum of five dollars (\$5.00) each.

Third, it is my desire that all the residue of my estate, both real and personal, consisting of land, household and kitchen furniture, and chattel property of every kind and description shall be equally divided between my daughter Lucinda Oliver and my son, Ernest Oliver, and that my daughter Lucinda shall have a home in the dwelling house for her life time.

In witness whereof, I, the said John H. Oliver do hereunto set my hand and seal, this the 20th day of March, 1920, (Seal)

Signed, sealed, published and declared by the said John H. Oliver to be his last will and testament in the presence of us, who, at his request and in his presence, (and in the presence of each other) do subscribe our names as witnesses thereto.

(over)

North Carolina,  
Washington County.

Affidavit.

Alice Barnes being first duly sworn deposes and says:  
That she is the sister of John H. Oliver, deceased, that she was at his home in Washington County, Lee's Mill Township during the month of November 1921, at which time John H. Oliver was confined to his bed with a spell of sickness from which he never recovered, and she was with him for a period of two weeks prior to and up to the date of his death.

That she heard her brother John H. Oliver say two weeks prior to his death that he had made a will and given all of his property to Earnest Oliver and Lucinda Oliver after he was dead with the understanding that Lucinda Oliver should have a home in the dwelling as long as she lived.

At the time John H. Oliver made this statement he was of sound mind and memory and of full age and in every respect perfectly rational.

Your affiant further states that after this statement was made by John H. Oliver that he never again left his bed and dying about ten days thereafter.

After the death of the said John H. Oliver your affiant further states that she heard one Gus Oliver a son of the deceased make a remark that the will of John H. Oliver had been destroyed and would never be found.

Mrs. A. B. Barnes.

Affiant.

W. H. B. Cox,

Clymaneth, N. C.

Sworn to and subscribed before me,

This 10th day of April, 1924.

(Seal)

Dorothy L. Williams,

Notary Public.

My commission expires

February 15th, 1924.

North Carolina,  
Washington County.

Affidavit.

Mrs. Nellie Oliver being first duly sworn deposes and says:  
That she was living in the home of John H. Oliver, deceased, and with him for several years prior to his death. That sometime during the month of March, 1920, John H. Oliver came to his home in Lee's Mill Township in Washington County and told his affiant that he had Mr. Clarks in paper to prepare his will and asked this affiant to read same, that she read it and handed it back to John H. Oliver the deceased, and he stated to her at the time it was his last will and testament and that he wanted the property to go in the manner provided in the will, that he placed the will in his trunk, where he kept his valuable papers and locked same.

This affiant further states that she has seen a copy of the will delivered to E. R. Oliver by Mr. B. S. Clarks and that it is an exact copy of the original will which she read for John H. Oliver, deceased.

The affiant further states that prior to the death of John H. Oliver, that he was confined to his bed for eighteen days, for several days of this time he was very sick and several people stayed night and day in his room, and during a period of four days the said John H. Oliver was unconscious and some persons unknown to this affiant had opened the deceased's trunk. Where he had kept his valuable papers,

And during this period of time all of the family and friends were in and out of the room, that after the death of the said John H. Oliver one Augustus Oliver, who was the son of John H. Oliver remained in presence of this affiant "that the property of his father, John H. Oliver would have to be divided and sold," whereupon this affiant remarked "that John H. Oliver had disposed of all his property by will," whereupon Augustus Oliver replied "that he had made the will but it would never be found and go on record."

(over)

Nellie Oliver,

Affiant.

Sworn to and subscribed before me  
this the 11th day of April, 1922.

(Seal)

Dorothy L. Williams,  
Notary Public.

My commission expires  
February 15th, 1924.

North Carolina,  
Washington County.

Affidavit

L. V. Cheson being first duly sworn deposes and says:

That he was acquainted with John N. Oliver and living about a half a mile from his home in Lee's Hill Township in Washington County and that he frequently saw him and conversed with him. That three days prior to the time that he was later sick on his death bed John N. Oliver told this affiant that he had already prepared his will, devising his property to his son Earnest Oliver and daughter Lucinda Oliver and that he wanted his daughter to have a home in the dwelling house during her life time.

The affiant further states that at the time this statement was made that the said John N. Oliver was of sound mind and memory and perfectly rational and that the statement was voluntarily made. This affiant is in no way connected by blood or related by marriage to the family of the said John N. Oliver.

L. V. Cheson, Affiant.

Sworn to and subscribed before me,

this the 11th day of April, 1922.

(Seal)

J. H. Williams,

Notary Public.

My commission expires March 5, 1924.

North Carolina.

Washington County.

Affidavit

B. S. Clark being first duly sworn deposes and says:

That John N. Oliver came to him at his office at the Bank of Roper the 25th day of March 1920 and requested him to write his will.

That at the time the said John N. Oliver was of sound mind and memory and of full age. That your affiant wrote this will on the typewriter procuring a carbon copy of same, that at the request of the said John N. Oliver, after he had signed said will and in his presence and in the presence of this affiant, James Thichard and Sterling Sawyer, in presence of the testator and each other witnessed said will.

That some time after the death of said John N. Oliver, his son Earnest Oliver approached this affiant and asked him if he recalled writing the will for his father, whereupon this affiant delivered to the said Earnest Oliver a carbon copy of the will written Mar. 25th, 1920, for John N. Oliver. Provisions of the will were among other things "that said John N. Oliver gave and bequeath to his son Augustus Oliver the sum of fifty dollars (\$50.00) and to each of the following named children Basbie Oliver, Corlie Sawyer, Milton Oliver and Ella Mannin the sum of Five Dollars (\$5.00) each, thus providing all of the residue of his estate, both real and personal, constituting the land, house hold and kitchen furniture, chattel property of every kind and description, should be equally divided between his daughter Lucinda Oliver and son Earnest Oliver, and that his daughter Lucinda Oliver should have a home in the dwelling house for her life time

B. S. Clark,

Sworn to and subscribed before me,

this the 14 day of April 1922.

(Seal)

J. H. Williams,

Notary Public.

My commission expires

March 5, 1924.

(over)

North Carolina,  
Pender County,

Affidavit.

James E. Whitchard being first duly sworn deposes and says:  
That he was a subscribing witness to the last Will and Testament of John N. Oliver, and that the paper writing now shown him is an exact carbon copy of the paper writing which this affiant witnessed, purporting to be the last Will and Testament of John N. Oliver and that the said John N. Oliver in the presence of this affiant subscribed his name at the end of the said paper writing (an exact copy which is now shown) as aforesaid, and which bears the date of March 25th, 1920.

Your affiant further saith that the said John N. Oliver the testator aforesaid, did, at the time of subscribing his name as aforesaid declare the said paper writing as subscribed by him and exhibited to be his last Will and Testament, and this affiant did thereupon subscribe his name at the end of the last said Will as an attesting witness thereto, and at the request, and in the presence of said John N. Oliver.

This affiant further saith, that at the said time when the said testator subscribed his name to the said last Will and as aforesaid, and at the time this affiant subscribed his name as attesting witness thereto, as aforesaid, the said John N. Oliver was of sound mind and memory, of full age to execute the Will and was not under any restraint of the knowledge, information or belief of this affiant.

James E. Whitchard,

Affiant.

Sworn to and subscribed before me,

This the 14th day of April, 1922.

(Seal)

A. N. Wallard,

Notary Public.

My commission expires 14 day of Dec. 1923.



State of Virginia,  
City of Norfolk,

Affidavit.

Styling S. Sawyer being first duly sworn deposes and says:  
That he was a subscribing witness to the last Will and Testament of John N. Oliver, and that the paper writing now shown him is an exact carbon copy of the paper writing which this affiant witnessed, purporting to be the last Will and Testament of John N. Oliver, and that the said John N. Oliver in the presence of this affiant subscribed his name at the end of said paper writing (an exact copy which is now shown) as aforesaid and which bears the date of March 25th, 1920.

Your affiant further saith that said John N. Oliver the testator aforesaid, did, at the time of the subscribing his name as aforesaid declare the said paper writing as subscribed by him and exhibited to be his last Will and Testament, and this affiant did thereupon subscribe his name at the end of the said Will as an attesting witness thereto, and at the request, and in the presence of said John N. Oliver.

This affiant further saith, that at the said time when said testator subscribed his name to the said last Will and as aforesaid, and at the time this affiant subscribed his name as attesting witness thereto, as aforesaid, the said John N. Oliver was of sound mind and memory, of full age to execute the Will, and was not under any restraint of the knowledge, information or belief of this affiant.

S. S. Sawyer, Affiant.

Sworn to and subscribed before me,

This the 26th day of April 1922,

My commission expires Sept. 30, 1922.

(Seal)

John E. Hales, Jr.

Notary Public.

State of Virginia }  
City of Norfolk } to-wit

I, James V. Tuckey, Clerk of the Corporation Court of the City of Norfolk, in said State, which said Court is a Court of Record, having a seal, do hereby certify, That John E. Hales, Jr. whose name is subscribed to the certificate of proof or acknowledgment

of the annexed instrument and thereon written, was, at the time of taking such proof or acknowledgment a Notary Public in and for said City, duly commissioned and sworn, and authorized by the laws of said State to take the acknowledgments and proofs of deeds or conveyances for land, tenements and hereditaments in the said State of Virginia, and to administer oaths; And further, that I am well acquainted with the handwriting of said Officer, and verily believe that the signature of said certificate of proof, affidavit or acknowledgment, is genuine.

In Testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this 27th day of May, 1922.  
(Seal)

James V. Lecky, Clerk.

North Carolina,

Washington County.

In re - Will of J. H. Oliver.

E. R. Oliver the proponent of the Will of J. H. Oliver being first duly sworn deposes and says:

That he is acquainted with Sterling S. Sawyer, who has filed an affidavit in the above entitled action, to his own knowledge he lives in the State of Virginia and City of Norfolk, which is more than seventy-five miles from this Court.

Your affidavit further states that he knows James C. Whitchard who is one of the affiants in the above entitled action and that he is now a resident in Albemarle, N.C., which is more than seventy-five miles from this Court.

Your affidavit further states that he is acquainted with B. S. Clark, knows that he now lives in the State of Virginia, whose residence is more than seventy-five miles from this Court.

Your affidavit further states that he has been informed that no civil process can bring these affiants to this Court, the affiants above named are beyond the jurisdiction of this Court and whose affidavits have heretofore been filed in the above entitled action.

E. R. Oliver, Affiant.

Sworn to and subscribed before me,  
This 27th day of May, 1922.

C. W. Lunsford,

Clerk Superior Court.

North Carolina, } ss. In the Superior Court,  
Washington County.

It is therefore considered and adjudged by the Court that the said paper writing and every part thereof is a true copy of the last Will and Testament of John H. Oliver, deceased. Let said Will, together with the affidavits and probate, be recorded and filed.

This 27 day of May, 1922.

C. W. Lunsford,

Clerk Superior Court.