

Last will and testament.

John W. Sells, deceased.

Probated Feb. term, 1909.

I, John W. Sells, of the County of Sullivan and State of Tennessee, being of sound and disposing mind and memory, do make and publish this, as my last will and testament, hereby revoking and making void all others by me at any time made. First, I direct that my funeral expenses and all my just debts be paid as soon after my death as possible, out of any moneys that I may die possessed of, or that may first come into the hands of my executors.

Secondly, after my funeral expenses, debts, and costs of administration shall have been paid, I direct that all the remainder of my personal property shall be divided among my children in the following manner to wit: One half of same equally among my three sons, John B. Sells, Wm. B. Sells and Jas. B. Sells, and one half equally among my four daughters, Frances E. Sells, Cynthia W. Sells, Geneva C. Perrott and Sarah E. Chesa. Should any one of my said children, except said Sarah E. Chesa, die before I do, I direct that the share of the one so dying in my personal property be equally divided among his or her next of kin; but if said Sarah E. Chesa should die before I do, I direct that her share in my personal property be equally divided among the surviving brothers and sisters or their legal representatives.

Thirdly, I give and devise to my son, John B. Sells, a tract or parcel of land, containing 25 1/2 acres, more or less, situated and lying in the 16 Civil district of Sullivan County, and bounded as follows: Beginning at a planted rock, a compromise corner established by Sells and Shelton, thence running with a compromise line as agreed on by Sells and Shelton, North 42 3/4° West 28 1/2° poles to a chestnut near the top of a hill, an old corner, thence with Shelton's line North 58° West 39 1/2° poles to a forked white oak, and with Shelton's line North 50° West 24 1/2° poles to a planted rock at a fence post, corner to McCollum, and with his line South 45° 54' West 47 1/2° poles to a planted rock.

corner to McCollum and Miller, and with Miller's line South 57° West 15 1/2° poles to a planted rock on or near said line and on the line of the C. and S. W. Railway 30 feet from center of track, and with the line of said Railway South 45° East 13 3/4° poles, thence South 37° East 22 3/4° poles, thence South 23 1/2° East 11 3/4° poles, thence South 16 1/2° East 20 1/2° poles, thence South 6 1/2° East 8 1/2° poles, thence South 4° West 23 1/2° poles to a planted rock at the road and where the wagon road passes under the Rail road, thence crossing the Railroad North 74 1/2° West 4 3/4° poles to a gate post, corner to Fanny Sells, and with her line South 62 1/4° West 19 1/2° poles to a planted rock at a gate post, thence South 38° West 22 1/2° poles to a planted rock, thence South 68 1/4° West 17 1/2° poles to an elm near the Spring, thence South 13° 35' East 12 poles to a planted rock, thence South 53 1/2° West 7 poles, thence South 87 1/2° West 15 1/2° poles, thence South 41 1/2° West 18 1/2° poles to a planted rock at the branch, Fanny Sells' corner, thence South 56° East 17 1/2° poles crossing the C. and S. W. Railway is a planted rock, thence South 40° 55' East 120 1/2° poles to a stake in the wagon road on line of the Southern Railway Co, 30 feet from center of the track and bearing South 40° 54' East 16 1/2° poles from a planted rock, thence North 49 1/2° East 14 1/2° poles, thence North 30 1/2° East 14 1/2° poles to a planted rock, thence North 30° East 26 poles to a planted rock, thence North 30 1/2° East 34 1/2° poles to a planted rock at a gate in a road, thence running with the center of the road as it meanders North 54 1/2° West 24 1/2° poles, thence North 30° West 14 1/2° poles, thence North 44° West 9 1/2° poles, thence North 51° West 21 1/2° poles, thence North 5° West 5 1/2° poles, thence North 34° West 6 1/2° poles, thence North 58° West 28 1/2° poles, thence North 26 1/2° West 17 1/2° poles to a planted rock, thence North 49 1/4° East 21 1/2° poles to a black oak, thence North 21° 54' East 9 1/2° poles to a planted rock, thence North 87 1/2° East 28 1/2° poles to the beginning.

Fourthly, I give and devise to my daughter, Frances E. Sells, a tract or parcel of land, containing 35 1/2 acres, more or less, situated and lying in the 16 Civil district of Sullivan County, and bounded as follows: Beginning at a planted rock in the road at a gate near the Southern Railway,

thence with the center of a wagon road as it meanders North 47° West 24²⁵/₁₀₀ poles, thence North 30° West 14¹/₂ poles, thence North 44° West 9¹/₂ poles, thence North 31° West 21³/₄ poles, thence North 51° West 5¹/₂ poles, thence North 34° West 6¹/₂ poles, thence North 38° West 28¹/₂ poles, thence North 56¹/₂ West 17²⁵/₁₀₀ poles to a planted rock, thence North 49¹/₄ East 47²⁵/₁₀₀ poles to a black oak, thence North 21° 54' West 9¹/₂ poles to a planted rock, thence North 53° East 58¹/₂ poles to a planted rock, a compromise corner between Sells and Shellen, thence with Shellen's line North 80° East 71 poles to a stake, thence South 83° East 3 poles to a planted rock on the crossing of the Rail Road, thence with the line of the Rail Road South 82° East 20 poles, thence South 12° East 45 poles, thence South 70° West 28 poles to J. W. and J. Pinner's corner, and with her line and the Rail Road South 20° West 10¹/₂ poles to Mrs. Eleanor's corner, thence with her line South 20° West 27 poles to a stake near a gate, thence South 30¹/₄ West 81⁵⁰/₁₀₀ poles to the beginning.

Further, I give and devise to my daughter Esmeralda C. Parratt, wife of J. B. Parratt, for and during the term of her natural life, a tract or parcel of land, containing 574 acres, more or less, situated and lying in the 16 Civil district of Sullivan County, and bounded as follows: Beginning at a planted rock on the line of the U. and S. R. Railway and a line of the tract of land herein devised to John B. Sells, and with a line of the same and a line of a tract of land conveyed by me to Frances E. Sells, North 5° 22' West 2225 feet to a planted rock, corner to Nelson and King, and with King's line South 7° 45' West 474 feet to a stake, corner to King, and with King's line South 8° 38' East 1175 feet to a planted rock bearing South 71° East 3 feet and 7 inches from a double cedar pointer, and with King's line South 8° 15' East 666 feet to a planted rock, where a white oak once stood, thence with King's line South 49° West 272 feet to a stake, and with King's line South 68° 50' West 70 feet to a stake, thence South 56° 40' West 257 feet to a stake, thence South 82° 25' West 57 feet to a post, corner of tangard lot,

thence South 56° 15' West 332 feet to corner post of said lot, thence South 76° 35' West 102 feet to a stake on the bank of the branch, thence South 52° East 70 feet, horizontal measure, crossing the branch to an elm at the corner of a wire fence; thence North 54° 30' East 240 feet to a stake on a line of the U. and S. R. Railway, 30 feet from center of track; thence with the line of said Railway as it meanders to the beginning.

I give and devise the remainder interest in said tract of land, after the termination of the life estate therein devised to said Esmeralda C. Parratt, to the children, and legal representatives of deceased children, of the said Esmeralda C. Parratt. The life estate in said land devised to said Esmeralda C. Parratt, and the rents and profits thereof are to be free from any debts and liabilities of the husband of said Esmeralda C. Parratt.

Further, I give and devise to my son, James B. Sells, two tracts or parcels of land, situated and lying in the 14 Civil district of Sullivan County, and being portions of the old Col. B. Rheda farm, and bounded as follows: 1st tract, bounded on the east, by the lands of J. B. M. Atellan (now owned by Mahaffey Bros.); on the south, by the lands of W. H. Hamilton and one Greenway; on the west, by the lands of M. S. Thomas (now owned by H. O. King), and on the north, by the homestead and dower laid off and set apart to Sarah E. Rheda, or by the public road leading from Thomas Mill to Rutledge near Lances Park, and containing 95 acres, more or less, and being the land conveyed to me by N. J. Phillips C. & son, by deed dated 10 April 1878, and recorded in the Register Office, at Mountain View Book, Vol. 64, pp. 29, 31, to which reference is hereby made for a full description of said land, 2nd tract, bounded on the north, by the lands of the heirs of James Smith, dec'd.; on the east, by the homestead and dower of Sarah E. Rheda; on the south, by the said 95 acre tract, by the public road leading from Thomas Mill to Rutledge near Lances Park; and on the west, by the lands of H. O. King, and containing 22 acres, more or less, and being that part of the lands of B. B. Rheda, dec'd., sold in the County Court of Sullivan County, in the cause of J. W. Sells, adm'r, etc. vs. Margaret Rheda, et al., and

bid in by Sarah E. Phea, and afterward resold in said cause for unpaid purchase money, and bid in by me.

Seventhly, I will and direct that my son, John B. Sells, pay to my daughter, Elizabeth Ann Jenkins, wife of T. B. Jenkins, the sum of four hundred (\$400.⁰⁰) dollars; said sum to be paid in two instalments, of \$200.⁰⁰ each, in one and two years after my death, and to constitute a lien upon the tract of land hereinafore devised to him, the said John B. Sells, until fully paid.

Eighthly, I will and direct that my son, James B. Sells, pay to my daughter Sarah E. Phea, provided she survives me, the sum of three hundred (\$300.⁰⁰) dollars; said sum to be paid in two equal instalments, in one and two years after my death, if said Sarah E. Phea should die before I do, then said sum of \$300.⁰⁰ is to be paid, at the times stated, to my remaining six children, or their legal representatives, share and share alike; the legal representatives of any that may die before I do taking the share of their deceased parent. Said \$300.⁰⁰ is to constitute a lien on the lands devised to said James B. Sells until fully paid.

Ninthly, no provision is herein made for my daughter Frances E. Sells, except insofar as is herein before provided, for the reason that I have heretofore conveyed to her the interest I intend her to have in my estate, real and personal.

Tenthly, It is my will, and I so direct, that the road running over and through the tract of land devised to John B. Sells, now B. Sells and Cornelia C. Barrett, beginning at the trestle on the V. & W. Railway and intersecting the public road near the old Jenkins tanyard, shall remain and be kept permanently open, for the convenience of said devisees.

Eleventhly, Should any of the parties to whom I have made bequests of personal property or devisees of real estate seek to contest my will or make any attempt to break same, or disturb my executors, by suit or otherwise, in the lawful execution of their trust, such party shall thereby forfeit any and all claims to the bequest or devise herein made to such one,

and to any interest in my estate, real or personal; and that part of my estate herein bequeathed or devised to such one shall be equally divided among his or her brothers and sisters, or their legal representatives.

Twelfthly, I hereby nominate and appoint John B. Sells and Wm. R. Sells executors of this my last will and testament, and direct that they shall not be required to execute bond as such executors.

All erasures and interlineations in the foregoing will were made before same was signed.

In witness whereof, I have hereunto set my hand, this the 13 day of January, 1904.

John W. Sells

Signed by the said John W. Sells, as and for his last will and testament, in the presence of us, the undersigned, who, at his request, and in his sight and presence have subscribed our names hereto as attesting witnesses, the day and date above written. (13 Jan'y, 1904)

H. H. Seay
H. J. Phillips
C. A. Brown

The foregoing written instrument was produced in open court by the oath of H. H. Smith, H. J. Phillips and C. A. Brown, subscribing witnesses thereto, on this the 1 day of Feb'y, 1904, and thereupon said written instrument was adjudged, declared and decreed by the court to be his last will and testament of John W. Sells deceased, and ordered to be recorded in the Book of Wills.

Attest.

S. J. Kyles Clerk,
By W. A. Barger, C.

Last will & testament of Probated & Recorded
Jennie Dutchman, deceased
1904.

In the Name of God, Amen.
I Jennie Dutchman, being of sound mind, and disposing memory, do make and publish this my last will and testament, hereby revoking all other wills heretofore made by me,

I commend my soul to God who gave it, and