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LAST WILL AND TESTAMENT OF J. W. SUMNER

NORTH CAROLINA  
HERTFORD COUNTY

I, J. W. Sumner, 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:

ITEM I

My Executors, hereinafter named, 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, out of the first moneys which may come into their hands belonging to my estate.

ITEM II

I hereby direct that my two sons, Livingston Sumner and Lokie Sumner, shall have the use and possession for a period of ten years of my farm in Maneys Neck Township, Hertford County, North Carolina, known as the Old Town Farm, and which is bounded on the North, West, and South by lands of Camp Manufacturing Company, Inc., and on the East by the Parkers Ferry Road and Meherrin River, containing five hundred seventy-six acres, more or less, upon the following terms and conditions: My said sons, Livingston Sumner and Lokie Sumner, shall pay as rent for said lands one-third of the net profits from the operation of said farm, with they either farming or having said lands farmed, which said rent shall be applied first on the payment of any indebtedness which may be on said lands at the time of my death, and if the said indebtedness has been retired prior to my death, or prior to the time of ten years for which this land is herein rented, then the said rents shall be divided equally among my children, viz: Walter H. Sumner, Ruth Sumner Boone, Livingston Sumner, Lokie Sumner, J. W. Sumner, Jr., and Fred Owen Sumner. The ten years which I have herein set out means the ten calendar years next after the calendar year in which my death occurs. I hereby further direct that my sons, Livingston Sumner and Lokie Sumner, shall account to J. Craig Revelle, Attorney at Law, of Murfreesboro, North Carolina, for their transactions in the operation of said farm, and he shall determine what one-third of the said profits derived from the operation of said farm shall be. I further direct that the rent herein set out shall be paid to said J. Craig Revelle, and he shall apply same as I have herein

described. After the said herein mentioned ten years shall have elapsed, then I give and devise the said lands to my children, viz: Walter H. Sumner, Ruth Sumner Boone, Livingston Sumner, Lokie Sumner, J. W. Sumner, Jr., and Fred Owen Sumner, in fee simple, share and share alike.

ITEM III

If my death shall occur before my youngest son, Fred Owen Sumner, shall have attained his twenty-first birthday, then I direct that One Thousand (\$1,000.00) Dollars of my insurance shall be paid to Ruth Sumner Boone to be used by her in the education of my said son, Fred Owen Sumner.

ITEM IV

I give and bequeath to my son, Lokie Sumner, and his wife, Roipell Sumner, subject to the hereinafter mentioned restrictions, my home place situate in Maneys Neck Township, Hertford County, North Carolina, and which is bounded on the North by the Parkers Ferry Road, bounded on the East by lands of R. R. Taylor, bounded on the South by lands of C. S. DeLoatche, and bounded on the West by lands of Everett Picot, containing sixty-five acres, more or less. The restrictions placed hereon on said lands is that my said son and daughter-in-law shall pay to Ruth Sumner Boone, Walter H. Sumner, J. W. Sumner, Jr., and Fred Owen Sumner, each the sum of Five Hundred (\$500.00) Dollars, said sum to be paid within two years from the date of my death, and I further direct that said sum shall be a charge and a lien on the herein devised land until paid. I further direct that my son, Fred Owen Sumner, shall have a home with my said son and daughter-in-law until he shall have attained the age of twenty-one years.

ITEM V

I give and bequeath all my household and kitchen furniture, except that in my bedroom, to my son, Lokie Sumner, and his wife, Roipell Sumner.

ITEM VI

I give and bequeath to my son, Lokie Sumner, my peanut picker, manure spreader, my interest in the corn picker, all tractors which I own, liquid nitrogen tank, all my team, and all other farming equipment that I own at the time of my death.

ITEM VII

I further direct that my Executors, hereinafter named, shall sell all my corn, hogs, cattle, and farm produce at the end of the year of my death, at either public or private sale, they to be the sole judges as to whether same shall be sold at public or private sale.

ITEM VIII

I give, devise, and bequeath all the rest and residue of my property, wherever situate, to my children, viz: Walter H. Sumner, Ruth Sumner Boons, Livingston Sumner, Lokie Sumner, J. W. Sumner, Jr., and Fred Owen Sumner, share and share alike.

ITEM IX

I hereby constitute and appoint my trusted sons, Livingston Sumner and Lokie Sumner, 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. I further direct that my said Executors herein named shall employ J. Craig Revelle as their attorney to represent them in the settling of my estate.

In Witness Whereof, I, the said J. W. Sumner, do hereunto set my hand and seal, this the 3rd day of December, 1954.

J. W. Sumner (SEAL)

Signed, sealed, published and declared by the said J. W. Sumner 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.

Witness: John M. Sewell

Address: Murfreesboro, N. C.

Witness: P. R. Jenkins

Address: Murfreesboro, N. C.

Witness: Martha T. McKellar

Address: Como, N. C.

STATE OF NORTH CAROLINA

HERTFORD COUNTY

ss. IN THE SUPERIOR COURT

A paper writing purporting to be the last Will and Testament of J. W. Sumner, deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said county, by Livingston Sumner and Lokie Sumner the executors therein mentioned, and the due execution thereof by the said J. W. Sumner is proved by the oath and examination of P. R. Jenkins and John M. Sewell, the subscribing witnesses thereto, who being duly sworn, do depose and say, and each for himself deposeth and saith, that he is a subscribing witness to the paper writing now shown him, purporting to be the last Will and Testament of J. W. Sumner; that the said J. W. Sumner, 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 3rd day of December, 1954.

AND THIS DEPONENT FURTHER SAITH, That the said J. W. Sumner 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 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 same time when the said testator subscribed his 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 J. W. Sumner 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 19th day of April, 1955, before me.

A. W. Greene  
Clerk Superior Court

P. R. Jenkins

John M. Sewell

NORTH CAROLINA

HERTFORD COUNTY

ss. IN THE SUPERIOR COURT

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 J. W. Sumner deceased. Let said Will, together with the probate, be recorded and filed.

This 19th day of April, 1955.

A. W. Greene  
Clerk Superior Court

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