

WILL OF MARGARET PHILLIPS

Last Will and Testament.

I, Margaret Phillips of District of Cameron, County of Marshall and State of West Virginia, being of sound mind and memory, do hereby make, publish and declare this to be my last Will and Testament, in manner and form following, hereby revoking any will or wills heretofore made by me.

First. I direct that all my just debts and funeral expenses be fully paid and satisfied, as soon as conveniently may be, after my decease.

Second. I devise and bequeath to my foster daughter Sarah Eckels all of my real estate of which I die seized in fee, as well as all of my personal property, for and during the term of her natural life.

Third. I direct that should there be any of my estate either real or personal left after the demise of my said foster daughter. Said residuary estate shall be divided equally among my nephews J. McClain Phillips, Levi N. Phillips and my niece Artie Houston.

Fourth. It is my unalterable wish and will that my foster daughter aforementioned shall have the absolute control of all of my estate during her natural life with the right to use for herself any or all of said estate if necessary. The third provision to be only in case said Sarah Eckels does not use all of said estate during her life time.

Fifth. I also direct that should I outlive my aforementioned foster daughter then and in that case all of my estate shall be divided as provided for in the third clause above i. e. equally between the children of the late B. F. Phillips deceased.

I do hereby make, constitute and appoint J. McClain Phillips of Cameron District Marshall County, W. Va. to be Executor of this my last Will and Testament.

In Witness Whereof, I Margaret Phillips the Testatrix above named, have hereunto subscribed my name and affixed my seal, the twentieth (20) day of April in the year of our Lord, one thousand nine hundred and nine.

Margaret Phillips

(SEAL)

Signed, sealed, published and declared by the above named Margaret Phillips as and for her last Will and Testament in the presence of us, who have hereunto subscribed our names at her request as witnesses thereto, in the presence of the said Testatrix and of each other.

G. B. Houston

Isaiah Granden.

OFFICE OF THE CLERK OF THE COUNTY COURT

OF MARSHALL COUNTY, WEST VIRGINIA. JUNE 6th. 1921.

In the matter of the probate of the last will and testament of MARGARET PHILLIPS, deceased.

The matter of the probate of the paper writing, bearing date on the 20th day of

April 1909, purporting to be the last will and testament of Margaret Phillips, deceased, came on to be heard before the Clerk of the County Court of Marshall County, West Virginia, in the vacation of the said court, this 6th day of July 1921, upon the petition heretofore filed before said Clerk by J. McClain Phillips, and it appearing that all the parties in interest have been regularly notified of this hearing by personal service of process upon Frank Phillips, Minnie S. Gray, Mary Sammons, Sarah Dorsey, Lida Phillips, G. W. Phillips, L. L. Phillips, W. S. Phillips, C. M. Phillips, Blanche Hewitt, Maggie Harris, Hannah Hagerman, Annie Hagerman, George Phillips, Anna Knight, Grace Allen, Charles Allen, Maggie Allen, John Phillips, Geneva Phillips, J. L. Phillips, Levi Phillips and Sarah Eckels; by order of publication duly taken, published and posted as to Silas Ingram, Hamon Ingram, Mary Harris, Clarence Phillips, Joe G. Morris, Sadie Seeley, Etta Adamson, Artie Houston, L. N. Phillips, Maggie Ingram, Della Ingram and Perry Allen, who are all the parties interested in the probate of said paper writing, except said petitioner, and who are all of full age; and it appearing that the said Margaret Phillips departed this life on the 26th day of April, 1921, in the County of Marshall and State of West Virginia, and at the time of her death had a known place of residence or mansion house in said county and that said testator left no husband or children surviving her, and that all the parties interested in the probate of said paper writing as and for the true last will and testament of said Margaret Phillips, deceased, have been properly convened before the aforesaid Clerk of said court, said Clerk proceeded to hear and determine said motion for probate.

And it appearing from the evidence of G. E. Houston and Isaiah Grandon, the subscribing witnesses to said paper writing bearing date on the 20th day of April, 1909, heard in person before said Clerk that the same was duly signed, executed, published and declared by the said Margaret Phillips as and for her true last will and testament and that the said paper writing was duly witnessed by said G. E. Houston and Isaiah Grandon, the subscribing witnesses thereto, on the said 20th day of April 1909, at the request of said testatrix and in every respect in the manner required by law relating to the mode of executing wills, that the said Margaret Phillips was of sound mind and disposing memory at the time said paper was so executed and witnessed, it is therefore ordered that the said paper writing, bearing date on the 20th day of April, 1909, be and the same is hereby admitted to probate and recorded and established as and for the true last will and testament of said Margaret Phillips, deceased, late of said Marshall County.

And it further appearing that said J. McClain Phillips is named in said will as the executor thereof, thereupon came the said J. McClain Phillips, together with A. L. Heaton, his surety, who first qualified as to his sufficiency, and entered into and acknowledged a bond in the penal sum of Five hundred dollars, conditioned as the law directs.

And Lloyd Strope, W. B. King and John Fletcher are this day appointed to appraise the real estate, goods and chattels of the said Margaret Phillips, deceased, they to be first duly sworn for that purpose.