

day offered for probate before the Clerk of the County Court of Marshall County, West Virginia, said copy having been duly authenticated.

And it appearing from said copy that said will was duly proved before the Judge of the Probate Court of the County of Licking, State of Ohio, on the 17th day of August 1926, to be a valid will of real estate in this State of West Virginia by the laws thereof, such copy is hereby admitted to probate as the will of said decedent of real estate in this county and state aforesaid and ordered to be recorded as such.

TESTE: Maudie Pigg, Clerk.

WILL OF SARAH ECKELS PHILLIPS.

LAST WILL AND TESTAMENT

I Sarah Eckels Phillips of Cameron W. Va., being of sound and disposing mind and memory and desiring to make such disposition of my worldly estate as I deem best, do hereby make, publish and declare this to be my last Will and Testament, hereby revoking any and all former wills and codicils whatsoever by me made.

First: I direct that all my just debts and funeral expenses be paid out of my estate as soon after my decease as conveniently may be and to that end charge my whole estate, real and personal, with the same.

Second: I give, devise and bequeath to Mary A. Kerns the sum of one dollar.

Third I give and bequeath to Harrison Eckels the sum of one dollar

Fourth I give and bequeath to Eliza Welling the sum of one dollar.

Fifth I give and bequeath to the children of my brother John Eckels, deceased, the sum of one dollar.

Sixth I give, devise and bequeath to J. M. Phillips the one third part or share in all of the residue or remainder of my estate whether of personal property or real estate.

Seventh To Artie Houston I give devise and bequeath one third part or share in all my personal or real estate remaining after payment of specific bequests 1, 2, 3, 4, and 5, as above set forth.

Eighth I give devise and bequeath to Lee N. Phillips a one third part or share in all my estate whether real or personal, remaining after aforesaid first five bequests are paid.

I nominate and appoint Walter Leper to be the executor of this my Last Will and Testament

IN WITNESS WHEREOF I have hereunto set my hand and seal to this my Last Will and Testament at Cameron W. Va. this first day of March, in the year of our Lord One Thousand Nine Hundred and fifteen.

Sarah Eckels Phillips (SEAL)

Signed, sealed, published and declared by the said Sarah Eckels Phillips as and for her last will and testament in the presence of us, who in her presence, at her request and in the presence of one another, all present together, have hereunto subscribed our names as witnesses.

Bianche V. Durbin

G. B. Houston

WHEREAS, I, Sarah Eckels....., have made and duly executed my last will and testament in writing, bearing date on the first day of March, 1915,

Now I do hereby declare this present writing to be a codicil to my said will, and direct the same to be annexed thereto, and taken as a part thereof.

I do hereby nominate, constitute and appoint J. McClain Phillips to be the executor of my said will in the place and stead of Walter H. Loper, named therein.

In witness whereof, to this present writing, which I have here declared to be a codicil to my last will and testament, bearing date on the first day of March, 1915, and which I direct to be added thereto, and to be taken as a part thereof, I have set my hand and seal, this 28 day of November, 1927.

Sarah Eckels Phillips ^{her} X (SEAL.)
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Signed, sealed, published and declared by the said Sarah Eckels Phillips, as and for a codicil to her last will and testament, in the presence of us, who at her request, in her presence and in the presence of each other have hereunto subscribed our names as witnesses, the day and year last above written.

Ella J. Dowler

Ocie Moose

OFFICE OF THE CLERK OF THE COUNTY COURT

OF MARSHALL COUNTY, WEST VIRGINIA, JANUARY 4th 1929.

In the matter of the petition for the probate of the last will and testament of Sarah Eckels Phillips, deceased, and also of the probate of the codicil thereto.

The matter of the probate of the paper writing bearing date on the 1st day of March, 1915, and a codicil thereto, bearing date on the 28th day of November, 1927, and purporting to be the true last will and testament and codicil thereto of Sarah Eckels Phillips, deceased, came on to be heard before the clerk of the county court of Marshall County, West Virginia, on this the 4th day of January, 1929, in the vacation of said county court, on the petition heretofore filed by J. M. Phillips, Artie Houston and Lee N. Phillips, and it appearing that all the parties in interest have been regularly notified of this hearing by process duly served upon Mrs. Will Cook, Mrs. George Cook, Mildred Bussard, Mrs. Earl Hull, John Eckels, Ersell Eckels Burton, Nancy Loudenslager, Mrs. S. E. Alley, Edward Carr and Edward Carr Jr., and by order of publication duly taken, published and posted as to A. N. Eckels, Clara Fogle, Mrs. J. W. Gary, Violet Wallace, Hazel Chamberlin, Mrs. H. J. Burdick, Mrs. Hattie Manning, Mrs. Maggie Gary and Grace Lee, and Harrison Welling, Dan Welling and Arch Welling appearing by D. B. Evans, their counsel, and it appearing that the said Sarah Eckels Phillips departed this life on the 17th day of August, 1928, in said Marshall County, West Virginia, and that at the time of her death she had a known place of residence or mansion house in said county, and that the said testatrix was a single woman, and that the said J. M. Phillips, Artie Houston, Lee N. Phillips, A. N. Eckels, Clara Fogle, Mrs. J. W. Gary, Violet Wallace, Mildred Bussard, Hazel Chamberlin, Mrs. H. J. Burdick, Mrs. Hattie Manning, Mrs. Will Cook, Mrs. George Cook, Harrison Welling, Dan Welling, Arch Welling, Mrs. Earl Hull, Mrs. Maggie Gary, John Eckels, Ersell Eckels Burton, Nancy Loudenslager, Mrs. S. E. Alley, Edward Carr, Edward Carr, Jr., and Grace Lee, who are all of full age, are the only parties interested in the probate of said paper writing and codicil and for the true last will and testament and codicil thereto of Sarah Eckels Phillips, deceased, and have been properly convened before the said clerk of said county court to hear and

determine the said motion for probate, and it appearing from the evidence of G. B. Houston, one of the subscribing witnesses to said paper writing bearing date on the 1st day of March, the said Blanche B. Durbin, the other subscribing witness to said will, not being in the state of West Virginia, and not appearing before said clerk, and from the evidence of Ella J. Dowler and Ocie Meese, the subscribing witnesses to the said codicil all heard in person before the said clerk, that the said last will and testament and codicil thereto were duly signed, executed and declared by the said Sarah Eckels Phillips as and for her true last will and testament and codicil thereto, and that the same were duly executed in every respect in the manner required by law, relating to the mode of executing wills and codicils, and that the said Sarah Eckels Phillips was of sound and disposing mind and memory at the time the said last will and testament and codicil thereto were so executed and witnessed, it is therefore ordered that the said paper writing bearing date on the first day of March, 1915, and the said codicil thereto, bearing date on the 28th day of November, 1927, be and the same are hereby admitted to probate and recorded and established as and for the true last will and testament and codicil thereto, of Sarah Eckels Phillips, deceased, late of said Marshall County; and it appearing that the said J. M. Phillips, under the name of J. McClain Phillips, is named and appointed as executor of the said last will and testament, thereupon came the said J. McClain Phillips, together with A. L. Hoston, his surety, who first qualified as to his sufficiency and entered into and acknowledged a bond in the penal sum of One thousand (\$1,000.00) dollars, conditioned as the law directs.

And Harry Elbin, H. A. Hicks and C. B. Swisher, are this day appointed to appraise the real estate, goods and chattels of the said Sarah Eckels Phillips, deceased, they to be first duly sworn for that purpose.

TESTE: Maudie Rogers, Clerk.

WILL OF ELLEN M. F. GUSTELY

In the name of God, Amen:

I, Ellen M. F. Gustely, of Moundsville, Marshall County, West Virginia, being of sound mind and disposing memory, do make and publish this my last will and testament.

It is my will that all my worldly goods and Estate and all my property, real, personal or mixed, of which I shall die seized or possessed, or to which I shall be entitled to at the time of my death, shall be disposed of in the following manner, to wit:

FIRST: It is my will that all my just and legal debts and funeral expenses be paid.

SECOND: I will, devise and bequeath to my beloved husband, Fred Gustely, all my personal property, for his own use, for and during his natural life, or as long as he remains unmarried.

THIRD: I will, devise and bequeath all my real Estate, to my said husband, Fred Gustely, to have and to hold and the benefits thereof and therefrom during his natural life or as long as he remains my widower.

FOURTH: In the event of the death of my husband, Fred Gustely, or his remarriage, it is my will that the remainder of said personal property and all of said real estate be equally divided between my seven children, to-wit: M. Levinia Marietta, John Curtis Lee Linduff Gustely, Johnnie Paul Gustely, Emma Fredericka Gustely, Ella Virginia Gustely, Remy Jeryl Gustely, and Carroll Earl Gustely, share and share alike.