

W I L L

I, John H. McCracken, of Cameron, Marshall County, West Virginia, being of sound mind and disposing memory, do hereby make, publish and declare this my last will and testament, hereby revoking any and all former wills and cedicals by me heretofere made.

FIRST. I direct that all my just debts and funeral expenses be paid as seen after my decease as may be conveniently done.

SECOND. I will, devise and bequeath unto my wife, Maude McCracken, all my property, real, personal and mixed, of whatsoever nature and wheresoever situate, for and during her natural life, but with power to sell and transfer personal, real and mixed property in any quantity or manner she may deem proper for comfort and convenience.

THIRD. Upon the death of my said wife, Maude McCracken, I then will, devise and bequeath unto my three children namely, Robert Paul McCracken, John Hubert McCracken and Ruth McCracken Ferling or their heirs, the balance of all property which my said wife, Maude McCracken received under this will, and which she still possessed at the time of her death, share and share alike.

FOURTH. With reference to the THIRD section above; in the event of the death of any one or more of my children and the deceased child or children having no surviving children, at the time of the death of my said wife, Maude McCracken, I then will, devise and bequeath the deceased child or children's share or shares under this will to the remaining of my surviving children or their heirs, share and share alike.

FIFTH. I nominate, constitute and appoint my said wife, Maude McCracken, executrix of this my last will and testament, and direct that no surety be required of her bond in said office of executrix.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of March, 1946.

John H. McCracken
John H. McCracken, Testator

FILED
RANDALL CROW, Clerk
MAR 15 1946
MARSHALL COUNTY, W. VA.

John H. McCracken's Will
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We, the undersigned, of Cameron, Marshall County, West Virginia, do hereby certify that the signature to the foregoing writing dated the 12th day of March, 1946, is the signature of John H. McCracken, of Cameron, Marshall County, West Virginia; that said John H. McCracken made his said signature in our presence, both of us being present at the same time when he made said signature; that said John H. McCracken in our presence acknowledged said writing to be his last will and testament, both of us being present at the same time when he made said acknowledgment; and that we, at the request of said John H. McCracken and in his presence and in the presence of each other, subscribed the said writing as witnesses thereto this 12th day of March, 1946.

Frank W. [Signature]
Witness

James G. [Signature]
Witness

FILED
MAR 17 1946
MARSHALL COUNTY, W. VA.

ADMITTED TO PROBATE
JUN 16 1962
PAGE
J. RANDALL CROW, Clerk
PROPERTY COURT, MARSHALL COUNTY, W. VA.

In the Office of the Clerk of the County Court of Marshall County,
West Virginia. (in recess) June 16, 1962

In the Matter of the Pro-
bate of the Last Will and
Testament of John H. Mc-
cracken, Deceased.

This 16th day of June, 1962, came J. Hubert McCracken in his own proper person and moved among other things for admission to probate and recordation of a paper writing dated the 12th day of March, 1946, which said paper writing purports to be the last will and testament of John H. McCracken, deceased, who died a resident of Marshall County on the 21st day of May, 1962.

The said paper writing having been brought in for filing on the 15th day of June, 1962, thereupon came John K. Chase and Lester Crow, who after being duly sworn, did depose and say, that they were well acquainted with Frank Walker, a witness to said will, in his lifetime, and were familiar with his handwriting; that they verily believe the said signature is wholly in the handwriting of the said Frank Walker, and was affixed thereto by his own hand.

On the 16th day of June, 1962, came James G. Toothman, the other subscribing witness to the aforesaid paper writing, who after being first duly sworn upon his solemn oath, did depose and say that the said John H. McCracken, is now deceased, and that he did in his lifetime, on the 12th day of March, 1946, sign, seal, publish and declare said paper writing dated as aforesaid, as and for his last will and testament, and that they, the said James G. Toothman, and Frank Walker, each of them, then and there, at the request of the said John H. McCracken, and in his presence and in the presence of each other, they all being present at the same time, subscribed their names to said paper writing as witnesses thereto, and that at the time of the execution of said will the said John H. McCracken was a person of sound mind, memory, and understanding.

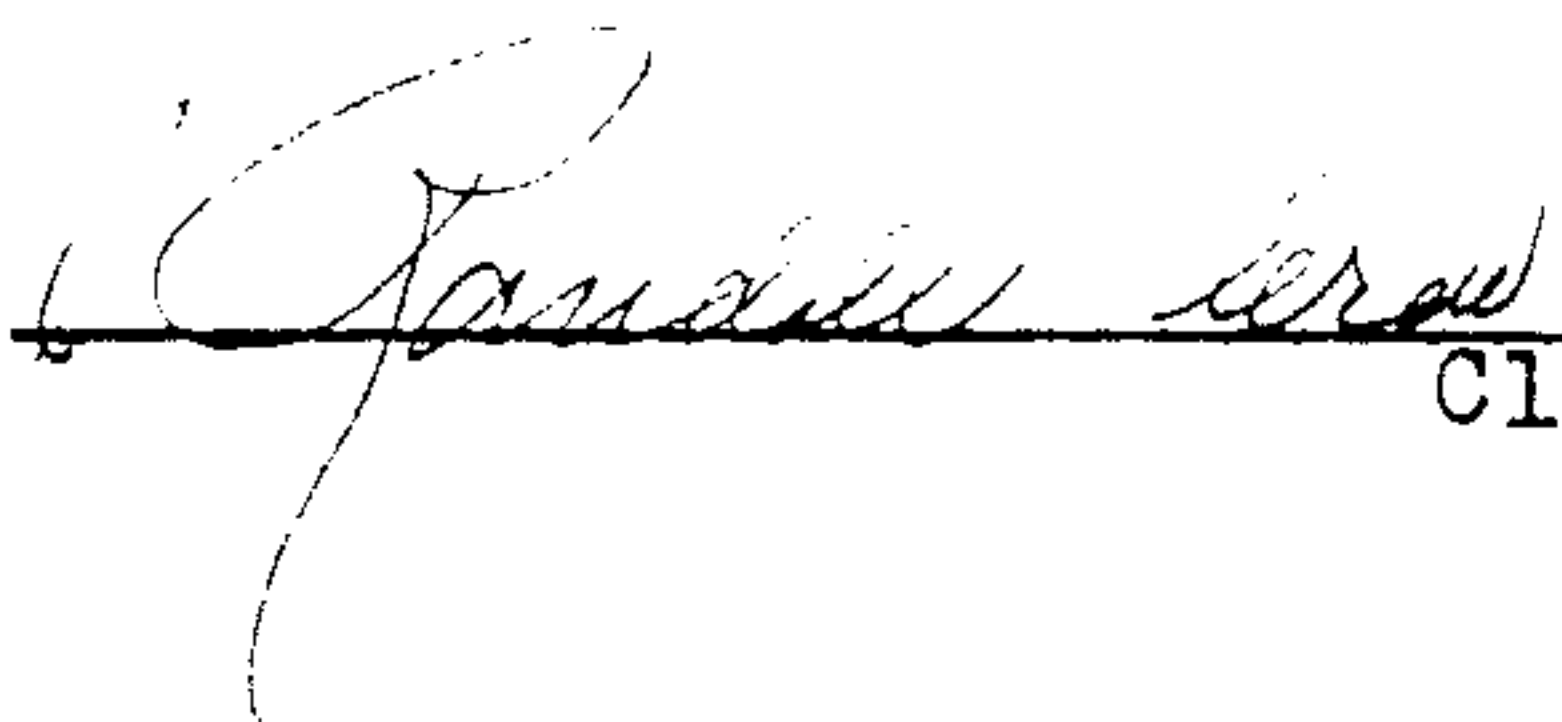
And no objections being heard, it is by the Clerk ordered that the paper writing dated the 12th day of March, 1946, be and it is hereby admitted to probate as and for the true last will and testament of John H. McCracken, deceased, and it is hereby ordered to be recorded as such.

Maude McCracken, named as Executrix in the will declined to serve, and requested the appointment of J. Hubert McCracken to serve in her place and stead.

Thereupon the said J. Hubert McCracken, a resident of Marshall County, West Virginia, qualified as Administrator, c.t.a., by taking the oath and entering into a bond in the penal sum of FIVE HUNDRED DOLLARS (\$500.00), conditioned and payable as required by law, with Maude McCracken, of Cameron, West Virginia, as his surety.

Upon motion of the Administrator, c.t.a., the following named persons were appointed appraisers of said estate: James Kinsey, O. E. Burge, Mary Poorman, and Paul Simmons, and the matter of settlement of said estate is referred to Steven D. Narick, a Commissioner of Accounts.

TESTE:


Clerk

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