

STATE OF NORTH CAROLINA

BEFORE ED PENNINGTON, C.S.C.

EDGECOMBE COUNTY

IN THE MATTER OF THE LAST WILL OF
LAVINIA B. BATTLE

} Died at Cool Spring
} Aug. 3, 1905.

Jacob Battle being duly sworn, doth say: That Lavinia B. Battle, late of said County, is dead, having first made and published her last will and testament, and that Jacob Battle is the executor named therein, further, that the property of the said Lavinia B. Battle consisting of Cool Spring Plantation about 2510 acres in this County and the personal property on said farm, including household and kitchen furniture is worth about \$40,000.00 so far as can be ascertained at the date of this application; and that Jacob Battle, Turner W. Battle, George Gordon Battle, Gaston Battle, Turner B. Bunn and Wm. S. Bunn are the parties entitled under said will to the said property.

JACOB BATTLE

Sworn to and subscribed before me the 5th day of September 1905

ED PENNINGTON, C.S.C.

"GLORY BE TO GOD ON HIGH, AND ON EARTH PEACE & GOOD WILL TO ALL MANKIND."

L.B.B.

NORTH CAROLINA)
EDGECOMBE CO)

Cool Spring, Oct. 24, 1901
July 25, 1904.

IN THE NAME OF THE HOLY TRINITY, AMEN!

I, Lavinia Bassett Battle, widow of Turner Westry Battle, assisted by the advice of my son, Jacob Battle pursuant to the powers and provisions of the last will and testament of my husband, and with a deep sense of the responsibility and trust thereby devolved upon me, and a sincere purpose to effect his wishes, do hereby appoint the property devised by the said Will

of my husband unto and amongst his children and grand-children, and to the purposes and uses, as follows, to wit: As soon as , the existing indebtedness against the property is fully paid, the said property shall be divided into (5) five shares of equal value, each share to contain equal amounts of arable, pasture, and wood land, as nearly as practicable, and allotted as follows:

(1) To Jacob Battle, my oldest son, I give, for the term of his natural life, one share of said land.

(2) To Turner Westry, I give for the term of his natural life, one share of said land, to embrace the 12 acres upon which the Cool Spring residence is located.

(3) To George Gordon, I give, for the term of his natural life one share of said land.

(4) To Gaston, I give two (2) shares of said land, for the term of his natural life. These shares are to embrace the old Town residence, & the barns, stables, & all other fixtures thereon, and such acreage adjacent thereto as he may prefer.

After the death of said sons, or either of them, their respective shares are to fall to their male issue, or the male issue of same. Should there be no male issue from their living bodies these shares are to be devised to their brothers (original legatees) if living, or their male issue, Upon the male issue of my said sons I urge that they, in turn, devise said shares to the male line of descent so as to make sure that no one not bearing, the long honored name, by birth, of Battle shall ever possess these lands.

I give to my said sons the right to reserve a life annual payment, to be made, out of his said land, to his widow until she marry again, and to any daughter, or daughters during their natural lives. - This payment to be adjudged according to private judgment of testator. I desire that my four sons choose

such parties as they deem fitted for the work, to divide the Cool Spring land according to my foregoing provisions.

I desire that the land be valued by said parties, & that $(1/6)$ one sixths of its value be estimated, and that my four sons pay equally, annually, to Turner Battle Bunn, & to Wm. Sims Bunn, the interest on same valuation vz: to Turner one half of same, to William the other half. This payment to cease with the term of life of both.

This payment (of interest on $1/6$ valuation of land) is due until the death of both of the present legatees -- one succeeding to the life interest of the other.

Those parties who make the division of the land will consider the interests of all & locate the shares as they deem best.

I leave the Burial Ground to be cared for, with reverence, by all of my sons.

I hereby appoint my oldest son Jacob Battle my executor with full powers to mortgage the land, if he deem it best, thereby to settle the estate.

I wish that my oldest son Jacob Battle, receive \$500, from the undivided estate, as a partial recognition of his faithful discharge of executorial duties.

I desire that he charge the usual fees as executor, after my demise.

This executed by me this July 25, 1904, in Staunton Va. as testified by my hand & seal

LAVINIA BASSETT BATTLE (LS)

TO George Gordon Battle I leave the sum of \$150. from the undivided estate, as a remembrance -- & I wish it invested in a diamond ring for Martha -- hoping that they will accept it as a token of my love.

I hereby empower my sons & their heirs to exclude from any right of property, in said lands, such son or sons as may prove unfitted, by habit or character, to hold them.

The aforesaid division of land among my four sons, is to be effected at the discretion of my Ex cutor, after all claims are justly settled.

The above is hereby testified by my hand & seal this the 26th of July 1904, in the town of Staunton Va.

LAVINIA BASSETT BATTLE (LS)