

WBS

This the only and last will and testament of Wm. H. Smith, of Paradise, Muhlenberg Co., Ky.,

I being eighty years old, Sept. 30, 1921, having been born Sept. 30, 1841, and being of sound mind and good memory at the date of making of this will, in the presence of two witnesses, I make this will as follows, having already deeded each of my ten children the amount of land I wanted each to have. I have still left (according to Julian W. Allen, survey) 92 acres more or less, also all mineral rights inclusive of coal, coal oil, and gas in and under my old 325 acre survey. I reserve the right to sell the mineral, oil, coal and gas at any time with the understanding I am to divide the proceeds of same, equally between my ten children or their heirs, but should I die without selling said mineral, oil, coal & gas, I will that it shall be held intact until a majority of my heirs of age shall agree to dispose of it in a way they see fit. I will that they shall do as they please with said mineral, oil, coal and gas, with the exception that it shall not be divided up into parcels before sold. After said mineral, oil, coal & gas has been disposed of the proceeds shall be divided equally between my ten children or their heirs, a minority of my heirs shall not have the right to prevent a sale or make a sale of said mineral, oil, coal or gas. Having made provisions for all of my children by deeds and this will as I wish, I bequeath in addition to the twenty-four acres deeded to my son, Carlos R. Smith, the remainders of my old 325-acre survey which shows by Julian W. Allen's recent survey to be 92 acres. I will that the said son, Carlos R. Smith, shall have the said 92 acres of land together with all the appurtenances thereon, known as my old home place, bounded as follows, viz:

Beginning on large white oak on bank of Green River above branch; thence So. $59\frac{1}{2}$ W. $97\frac{-2}{5}$ poles to rock; thence So. $83\frac{1}{2}$ W. $60\frac{1}{2}$ p. to rock; thence No. 28 deg. 4' W. $24\frac{1}{2}$ poles to rock in end of lane; thence $66\frac{1}{4}$ W. $29\frac{1}{2}$ poles rock; thence So. 65 W. $18\frac{1}{2}$ P. rock; thence S. $50\frac{1}{2}$ W. $45\frac{-1}{5}$ P. to W. oak; thence No. $42\frac{1}{2}$ W. 26 ft. to rock; thence No. $43\frac{1}{2}$ E. $78\frac{-7}{10}$ poles to W. oak; thence 25 deg. 45' W. $71\frac{-2}{5}$ P. to W. oak; thence N. $31\frac{1}{2}$ E. $31\frac{-2}{5}$ p. to rock; thence So. $46\frac{1}{2}$ E. 59 p. to rock; thence So. $44\frac{1}{2}$ W. 210 ft.; thence So. $45\frac{1}{2}$ E. 210 ft.; thence No. $44\frac{1}{2}$ E. 210 ft. to rock; thence So. $45\frac{1}{2}$ E. 67 poles to river; thence N. $43\frac{-1}{2}$ E. $133\frac{-7}{10}$ poles to river; thence up river So. 6 E. 86 poles to beginning, white oak corner; containing about 92 acres. I will that the said Carlos R. Smith shall have immediate control and use of said 92 acres of land and appurtenances for the purpose of farming, improving and taking care of same.

I bequeath this 92 acres to my son, Carlos R. Smith for the consideration of the natural love I have for him and what he has already done for me; and the further consideration that he takes the place, pays the taxes and keeps buildings in repair and maintains the place for me a home the remainder of my life or causes the same to be done; for which I will that the said Carlos R. Smith shall have the said 92 acres forever to him and his heirs subject only to his deed or will.

I reserve the oil, coal & gas under said 92 acres for the purpose aforesaid.

This being my last will and testament and as I am blind I cause my name to be subscribed to this and make my mark in the presence of the two signing witnesses. This the 21st day of March, 1922, and request that this be kept in the First National Bank of Greenville, Ky., for safe keeping.

his
Wm. H. x Smith
mark

Witnesses: T. S. Smith
Witness : J. M. Anderson

WB5

State of Kentucky, Kentucky,

Muhlenberg County, Sct.

I, Lena L. Slaton, Clerk of the Muhlenberg County Court, certify that the foregoing Will was at the regular term **Septst 28**, 1925, term of this court, admitted to probate as the last will and testament of **Wm.H. Smith**, deceased, and ordered to record as such; whereupon the same with the foregoing and this certificate, have been duly recorded in my office.

Given under my hand this 28 day of Sept. 1925.

Lena L. Slaton, Clerk,

By *Lena L. Slaton* D.C.