

No. 2770

IN

Chancery Court.

Vacation

Term 1930

Last Will and Testament of

Plaintiff

vs. E. W. Lamprey
Deceased

H. H. Reed, Executor
Defendant

Action for Probate of Will

Docket C

Page 278

Attorney for Plaintiff

Attorney for Defendant

State of Mississippi }
County of Kemper } I, Eli Lampe

my, being

and realizing the uncertainty of life
and the certainty of death do make
this my last will and bequest re-
voking all others if any:-

First. It is my will that my wife
Precilla Lampe have all my
personal effects including all
stock, vehicles & household goods.
Also it is my will that my wife
Precilla Lampe have the follow-
ing described land to wit:

N. E 1/4 of S. W. 1/4 sec 34 T 17 R 15 East

Containing 40 acres more or less and
lying and being in County of
Kemper & State of Mississippi.

Second. It is my will and wish
that all other lands I possess at my

Haverhill, Mass.

July 9th, 1940.

Mr. J. H. Davis.

Dear Mr. Davis,

I enclose Miss

Yours need

I signed and am in-

cluding the paper you

need. Best wishes

Yours friend

Ernest Bay

State of Mississippi,

Kemper County.

This day personally appeared before the undersigned authority in and for said state and county, Precilla Lampley, widow of Eli Lampley, deceased, who being first duly sworn states on oath, that all allegations set forth in the hereto attached petition are true and correct as therein stated, and that I have received all personal property which belonged to Eli Lampley in his life time, that I received same under the terms and conditions of the will of Eli Lampley, and that I am still in possession of the 40 acres of land correctly described in the will, and for all purposes I hereby join in with the executor of the will, and ask that he as executor be finally discharged.

Further on oath, I state that all of the children of Eli Lampley named in the will have joined in in the conveyance of the lands of the deceased, described in the will as "the balance of my lands", and I personally know that each of the named distributees have received their portion of the proceeds of the sale of said lands.

Precilla Lampley

Subscribed and sworn to before me this the 15 day of July 1940.

J. C. Warren
Chancery Clerk

State of Mississippi,

Forrest County.

This day personally appeared before the undersigned Notary Public, D H Reed, who being first sworn as the executor of the last will of Eli Lampley, deceased, says that all the charges, statements, and allegations in the above and foregoing petition are true and correct as stated.

Subscribed and sworn to this the 9 day of July 1940.

H. E. Fadd
N.P.

B-97

State of Mississippi,

Kemper County.

No. 2770, Last will and testament of Ely Lampley, D.H. Reed, Executor
To the Chancery Court of Kemper County, Mississippi:

Comes the Executor of the last will and testament of Eli Lampley, deceased and shows unto the court that some years ago Eli Lampley died and his last will wherein the undersigned was named as executor was duly probated.

Executor shows that the will provided that the widow of the deceased should take all of the personal property, and 40 acres of land on which the homestead was located, described as the NE 1/4 of the SW 1/4 of Sec. 34, T. 12, R. 15 East in Kemper County, Mississippi, for her life time, and then be sold for a division and also provided that the balance of the land belonging to the testator be sold and the money derived therefrom be divided among the children ~~heirs~~ of the decedent, and he shows that the balance of the land was not described further than to say, the balance of the lands owned by me at the time of my death.

The executor shows further that the heirs named are as follows, Precilla Lampley, the widow, and the children, named, Melinda Alexander, Laura Coleman, Mary Alexander, John Lampley, Ima Pollock, Cora Johnson, Bessie White, Loberta Logan, Avie Hampton, and Lalah Lampley, now Lala Lampley Hampton, she having married a man named Hampton, there being 10 children, all adults.

The executor shows that all of the 10 children have joined in conveying the lands described in the will as the balance of the land owned by me at the time of my death, that the 40 acres willed and devised to his widow Precilla Lampley is yet in the hands of the widow, and also he shows that the widow received all of the personal property belonging to the decedent at the time of his death, and he further shows that all things required of him in the will as executor have been performed, and all things which he could do under the terms of the will have also been accomplished.

Executor shows further, that he filed this petition for the purpose of being finally discharged, and to the end that all thing may be presented to the court as having been accomplished, the said widow, Precilla Hampton joins herein, under oath.

These premises considered your petitioners pray the court to consider this the final account, and pray the court to enter an order discharging the executor, and if he has prayed amiss then he prays for any other further and general relief.

J. Davis

Attorney.

D.H. Reed

State of Mississippi,) In the Chancery Court of Kemper County, Miss-
)
Kemper County.) issippi, July 1939 term.

No. 2770.

To the Chancery Court of Kemper County, Mississippi:

Comes D.H. Reed, and shows unto the court that he is the executor in the last will and testament of Eli Lampley, that the said Eli Lampley died in the year 1930, and his will was duly proven and admitted to probate in the Chancery Court of Kemper County, Mississippi, on the 24th day of September 1930, as shown by the minutes of this court, by decree of the court of record in Minute Book "F" at page 268 thereof.

The Executor shows further that the terms of the will and the conditions thereof waives the making of a bond as administrator, and all the property the deceased had or owned at the time of his death was real property, which said property is described in the will.

Further the petitioner says that he has received no money from the estate, and that there is no necessity ~~necessity~~ for filing accounts in this cause. That he has endeavored to follow the terms and conditions of the will, and to carry out its terms and conditions.

He shows further that it would be to the best interest of all parties in interest to have the court to enter an order dispensing with accountings, that he has not made any accountings to this date, for the reason he was not aware that accountings were necessary in the management of the estate as provided by the will.

Petitioner therefore prays the court to enter an order in this cause relieving him of making accounting in this cause, and if he has prayed amiss he prays for any other, further and general relief.

Respectfully submitted.

D.H. Reed
Executor, by

J.H. Dawes
Attorney.

State of Mississippi,

Forest County.

This day personally appeared before the undersigned authority in and for said state and county. D.H. Reed, who being first duly sworn states on oath, that the allegations setforth in the hereto annexed petition to the Chancery Court of Kemper County, Mississippi, are true and correct as therein stated.

D H Reed

Executor

Subscribed and sworn to before me this the 20 day of May, 1939,

MY COMMISSION EXPIRES JAN. 31 1940

[Signature]
Notary Public.

No 2470

2nd Young Bay Station

Dr. H. Reed, 2400

Final report

Filed July 15th
1939

J. Q. Warren
Chair

Cleary

No. 2770.

Last will and testament of Eli Lampley, deceased, D.H. Reed, executor

This cause coming on for hearing on the report of the executor sworn to as required by law, and the court hearing same, and finding from the will, and the records, that said will was probated and registered on the 26th day of Sept. 1930, and finds further that the will provides that no bond be required of the executor, and finds further that all of the property described in the will was by the testator willed to his wife, Precilla Lampley, and finding further that no property has ever come into the hands of the executor except that described in the face of the will, and the beneficiary having charge of same at the time of the probate of the will, and finding also that the terms of the will have been complied with, and finding that the executor has no property on hand, and has no money, or other property belonging to the testator, and finding that there is no necessity of making accountings in the premises:

It is therefore the order of the court that the account of the executor herein filed and sworn to be and the same is hereby approved and confirmed, and the executor is ordered relieved of making any further accountings, and that he now be finally discharged.

Ordered, adjudged, and decreed in open court this the _____ day of July 1939.

Chancellor.

THE STATE OF MISSISSIPPI,
Kemper County.

Chancery Court,
In Vacation, September 21st 1930 ~~AND 192X~~

In the Matter of a Certain Instrument of Writing Purporting to be the Last Will and Testament
of Eli Lampley, Deceased, of Kemper County.

Personally appeared before me, The undersigned authority, in and for
said County, Chester Sciple, one of the subscribing
witnesses to a certain instrument of writing, purporting to be the last Will and Testament of
Eli Lampley, Deceased, late of Kemper

County, who, having been first duly sworn, deposed and said that the said Eli Lampley
signed, published and declared said instrument as
his last Will and Testament, on the 11th day of October 1921, 1921,
the day of the date of said instrument, in the presence of the deponents, and that the said testator
was then of sound disposing mind and memory, and more than twenty-one years of age; and that these
deponents subscribed and attested said instrument, as witnesses to the signature and publication there-
of, at the special instance, and in the presence of the said testator, and in the presence of each other,
on the day and year of the date thereof.

Chester Sciple

Sworn to and subscribed before me, this the 21st day of September 1930 ~~AND 192X~~

J. C. Warren Chy. Clerk

THE STATE OF MISSISSIPPI, }
Kemper } ss:
..... COUNTY. }

Vacation, Sept. 1930 ~~XXXXXX~~

BY THE CHANCERY COURT OF SAID COUNTY:

WHEREAS, Eli Lampley, Deceased,

late of said County made in his lifetime made his last Will and Testament,

which on the day of Septemeber, 1930, in the year of

Our Lord, One Thousand Nine Hundred and Thirty, was proved, approved,

and admitted to record in said Court, and probate thereof, granted to

D.H. Reed

the Execut or thereof, and therein appointed as executor

....., and the said D.H. Reed

having complied with the provisions of the statute in such cases made and provided.

Therefore to the intent that the said Will may be well and truly performed, we do give, grant and commit unto the said D.H. Reed

the administration of all and singular the goods and chattels, rights and credits, of and belonging to the estate of said testator, with full power to take the same unto his hand and possession,

and to ask, levy, recover and receive the same, wherever they may be in this State; hereby requiring and enjoining upon the said D.H. Reed

to make a true and perfect inventory of all and singular the goods and chattels, rights and credits which have or shall come to his hands, possession or knowledge or into the hands or possession of any other person or persons, for him to exhibit the said inventory to our said Court within the time limited by law; to well and truly administer the said goods and chattels, rights and credits, according to law; to make a just and true account of his actings and doings therein, when thereto required by our said Court, and to well and truly pay and deliver all the legacies contained and specified in the said Will, so far as the said goods and chattels, rights and credits will extend and the law charge him, hereby confirming the said execut or

..... with full and ample authority to dispose of all and singular the said goods and chattels, rights and credits according to the tenor of the said last Will and testament and the true intent and meaning of the said testator, by virtue of these presents.

Witness the Honorable T.P. Guyton

Chancellor of the 6th District, this 24th day

of September 1930, A. D. ~~192~~ and the seal

of said Court hereunto affixed.

J.C. Kerrin Clerk.
D. C.

THE STATE OF MISSISSIPPI,

Chancery Court,

Kemper County. }
In Vacation, }
Sept. 21st 1930. }
A. D. 192

In the Matter of a Certain Instrument of Writing, Purporting to be the Last Will and Testament

of Eli Lempley, Deceased, of Kemper County.

Personally appeared before me, the undersigned authority, in and for

said County, John Sciple, one of the subscribing

witnesses to a certain instrument of writing, purporting to be the last Will and Testament of

Eli Lempley, Deceased, late of Kemper County, who, having been first duly sworn, deposed and said that the said

Eli Lempley signed, published and declared said instrument as

his last Will and Testament, on the 11th day of October, 1921,

the day of the date of said instrument, in the presence of the deponents, and that the said testator was then of sound disposing mind and memory, and more than twenty-one years of age; and that these deponents subscribed and attested said instrument, as witnesses to the signature and publication thereof, at the special instance, and in the presence of the said testator, and in the presence of each other, on the day and year of the date thereof.

John Sciple

Sworn to and subscribed before me, this the 21st day of September, 1930, A. D. 192

John Mann

John Mann

THE STATE OF MISSISSIPPI,
Kemper COUNTY.

No. 2770 ESTATE OF

Eli Lampley Deceased.
D.H. Reed Execut.....

IN CHANCERY

In the matter of the petition of D.H. Reed

for Probate and Record of a certain instrument of writing, alleged and purporting to be the last will and testa-
ment of D.H. Reed

late of said County, Deceased, and for Letters Testamentary thereon; the same being considered, and it appearing
from the proofs filed that said instrument of writing is fully and legally established as the true and original
last will and testament of the said Eli Lampley

and that at the time of the execution thereof, said decedent was over the age of twenty-one years, and of sound
and disposing mind, memory and understanding.

It is therefore ordered, that said petition be granted, and that said instrument of writing be and the same
is hereby admitted to probate and record as the true and original last will and testament of the said

Eli Lampley, Deceased, and that the proofs taken to establish the

same be also recorded. It further appearing that D.H. Reed, who is
named as the Executor of said last will and testament without bond has taken the oath prescribed by law, ~~and has made and~~

~~filed a good and sufficient bond as such Executor in the penalty of Dollars,~~
~~payable and conditioned according to law, with~~

as sureties thereon, which said bond has been approved by me.

It is therefore ordered, that Letters Testamentary do now issue as prayed for.

It is further ordered, that the appointment of appraisers be dispensed with
~~be and they are hereby appointed Appraisers of the goods, chattels and personalty of said estate, and that Warrant~~
~~of Appraisement issue according to law.~~

Ordered and decreed in vacation, this the 24th day of Sept, 1920, A. D. 191.....

J. C. Warren, Clerk.

PETITION OF D.H. Reed in the matter of the last Will and Testament of Eli Lampley Deceased, for Probate of Will and Letters Testamentary.

To the Hon. T.P. Guyton Chancellor of the Chancery Court of the County of Kemper in the State of Mississippi.

The Petition of the undersigned D.H. Reed respectfully represents that Eli Lampley, late of the County of Kemper, aforesaid, deceased, departed this life at Kellis Store in said County, on, or about the day of April, A. D. 1930 leaving a last Will and Testament, duly signed, published and attested, as believed by your petitioner and which by petitioner is herewith presented to your Honor for Probate. That said Will is subscribed by Two subscribing witnesses as provided by law, namely- Chester Sciple, and John Sciple as witnesses to the execution thereof

That said testator in his said last Will nominated and appointed D.H. Reed your Petitioner's Execut.O.R. thereof, and that your Petitioner is willing and ready to accept and undertake the office and trust confided to him under the terms of said will

And this petition further shows that the said Eli Lampley died seized and possessed of Real and Personal Estate, consisting chiefly of Lands and personal property

all of said Personal Estate being estimated to be worth about One Hundred dollars Dollars.

In consideration whereof, and to the end that said Will may be proved, established and performed, your Petitioner prays that the subscribing witnesses aforesaid may be summoned to be and appear before this Court at the next Vacation Term thereof, then and there to testify in the matter of said Will as it may please your Honor to direct; and that probate of said Will may be thereupon granted and the same ordered for Record.

And your petitioner further prays that it may please your Honor to grant him Letters Testamentary of said Will and Testament, upon his taking the oath prescribed by the Statute, and entering into without Bond, in such sum and with such securities as may be approved by your Honor, and that your Honor will dispense with appraisers to value and appraise the goods, chattels and personal estate of said testator and make such orders as to your Honor may seem meet and proper in the premises.

Sworn and subscribed before me,

this 23 day of September A. D. 1930

[Signature] N.P. D. C.

[Signature: D.H. Reed]

NO 2770

Will of Eli Sumpsey, D.K.
Reed, Executor

This cause being considered
in open court, and same be-
ing considered, and it is
ordered and decreed that
the cause be continued
until next term of court
and the ~~ex~~ Executor is
ordered and directed to file
his final account, and
have same ready for final
disposition at the January
1940 term of this court.

Ordered in open court
This July 20, 1939

Filed July 20, 1939
J. O. Warren
Clerk

J. H. Saylor
Chancellor

STATE OF MISSISSIPPI

KEMPER COUNTY:

Personally appeared before me,

J. C. Warren
Chancery

Clerk, of said County W. E. MARTIN, the Edi-

tor and Publisher of the DEKALB SENTINEL, a newspaper published
in the Town of DeKalb, in said county and state, who on oath says

that the *Chancery Summons*
of which the instrument hereunto annexed is a true copy, was pub-
lished in said newspaper as follows:

In volume *5* number *31* dated *Jan 15* 193*1*

In volume *5* number *32* dated *Jan 22* 193*1*

In volume *5* number *33* dated *Jan 29* 193*1*

In volume *4* number *34* dated *Feb 6* 193*1*

In volume _____ number _____ dated _____ 193__

In volume _____ number _____ dated _____ 193__

W. E. Martin

Sworn to and subscribed before me, this the *2* day of

April

A. D. 193*1*

J. C. Warren
Chancery

NOTICE TO CREDITORS.

No. 2770, Estate of Eli Lampley, deceased. Those having claims against the estate of Eli Lampley are required to probate same in the Chancery Court of Kemper County, Mississippi, within 6 months from this date or same will be forever barred by the statutes of Mississippi. This Jan 14th 1931.
D. H. Reed, Executor.

41, 34

58

Eli Lampley - (W. H. Reed adm.)

Daws

No. 2770.

Last will and testament of Eli Lampley, deceased, D H. Reed, Executor.

This cause coming on for hearing, and it appearing from the petition of the executor, that same is sworn to, and setforth all of the terms and conditions of the will and finds further that the estate has been wound up, and the widow of the deceased joins in the petition under oath, stating that she has been settled with under the terms and conditions of the will, and finds further that she makes oath that she received all of the personal property as provided by the will and is now in possession of the lands will, and devised to her, and finds also that the executor was not required by the will to make accountings, and was required to give no bond, and finds further that he is now intitled to be discharged, *relieved by the terms of the will* *from giving bond*

having been given and no debts included
It is therefore the order of the court that D.H. Reed, the executor named in the will of the deceased, be and he is ordered discharged, that his report be received and filed, and that the executorship be and the same is ordered terminated and closed, and that he pay the accumulated court cost.

Ordered, adjudged and decreed in open Court this the 28 day of July, 1941.

J. P. Gungl
Chancellor

Filed July 28, 1941
J. C. Warren
Clerk