

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

One L. M. Jones of the County and State aforesaid died many years ago leaving a will which was duly admitted to Probate and is now filed in the Office of the Probate Court for Greenville County in Apartment 49, File 9. By the terms of that will and the codicils thereto, the said L. M. Jones left all of his property to his widow, Martha C. Jones, for the term of her natural life and upon her death to his three nephews, James Allen McKinney, William Jefferson McKinney, and Thomas Franklin McKinney, with the proviso and upon the condition that "Neither of them nor their heirs shall sell their interest in said land within the term of ninety nine years, and in case either of them or their heirs should attempt to do so, then the interest of such legatee or heir shall be equally divided among the other residuary legatees under my will."; and with a further limitation reading as follows: "To Have and To Hold the same in severalty, to them and their respective heirs of their respective bodies, subject to conditions contained in the fifth clause ( that just quoted): and in case either or any of them should die without issue, the interest of the one or ones so dying to go to the survivor or survivors."

At the time the said will was made, and at the time of the death of the said L. M. Jones, all three of the aforesaid legatees, that is -- James Allen McKinney, William Jefferson McKinney, and Thomas Franklin McKinney -- were minors and neither had a child or children.

The will further provides that upon the death of the life tenant the lands of the testator were to be divided by commissioners and each of the aforementioned three parties was to be put into possession of the tract of land set off to him. And after the death of the life tenant, the lands were so divided by commissioners and each of the said parties put into possession of a portion thereof.

Since the death of the said L. M. Jones, all three of the aforementioned legatees, that is -- James Allen McKinney, William Jefferson McKinney, and Thomas Franklin McKinney -- have married and have had born unto them each a child or children.

The aforesaid James Allen McKinney is now dead, leaving as his sold heirs at law his widow, Mrs. Mattie McKinney, and his three children, to-wit: C. C. McKinney, Ira McKinney, and Mrs. Estelle McKinney Knight. The said William Jefferson McKinney is also dead, he having died leaving as his sold heirs at law his widow, Mrs. Rossie E. McKinney, and his six children to-wit: R. B. McKinney, Eloise McKinney, Mrs. Ruth McKinney Smith, Edna Mae McKinney, Mrs. Virgil McKinney Coker, and W. Harold McKinney. But the said Thomas Franklin McKinney is still living, being now a widower and having one child, to-wit: Janie McKinney;

The lands set off to the aforesaid Thomas Franklin McKinney by the commissioners is hereinafter specifically described. A portion of that land, which portion is hereinafter referred to, was by the said Thomas Franklin McKinney conveyed unto his brother, William Jefferson McKinney, on September 21, 1908, by a deed recorded in the Office of the RMC for Greenville County, S. C. in Deed Book 10, page 303; but the other portion of the said lands is yet owned by and is in the possession of the said Thomas Franklin McKinney.

Some question has arisen as to what the rights of the various parties are under the will of the said L. M. Jones; and in order that each of the respective interests under the will may be owned in fee simple and witho t any limitation or reversionary rights or interests, we , the sole heirs and descendants of the said James Allen McKinney and of William Jefferson McKinney, each being of full legal age, in consideration of an exchange of deeds, do hereby convey all our right, title, and interest, now had or hereafter to be acquired, in and to the property hereinafter described unto the said Thomas Franklin McKinney.

KNOW ALL MEN BY THESE PRESENTS, That we, Mattie McKinney, C. C. McKinney, Ira McKinney, Estelle McKinney Knight, widow and children of James Allen McKinney, deceased; and R. B. Mc-