

THE STATE OF SOUTH CAROLINA.
COUNTY OF GREENVILLE.

IN COMMON PLEAS.

Anne M. Moore,

Plaintiff

against

Otis P. Mills and Henry J.
Winn as, formerly, Exec-
utors of the estate of
Susan C. Mills, deceased,

Defendants.

The complaint of the above named plaintiff respectfully shows to the court,

1. That the above named plaintiff and defendants are residents of the county and State aforesaid.
2. That Susan C. Mills, late of the county and State aforesaid departed this life, testate, on the 4th day of July 1936, leaving of force her last Will and Testament dated the 5th day of October 1927 with a Codicil thereto dated the 29th day of June 1928 and another Codicil dated the 1st day of May 1934, all of which may be found in Apartment 413, File 5 A and B, that said defendants were appointed Executors of said will and the will was duly probated, the said Executors entered upon the duties of said office as Executors and having fully administered said estate, were duly discharged, as such, several years ago.
3. That Item 3 of said will reads as follows:
"I will and devise to my daughter Anne M. Moore five acres of the land adjoining the tract which I have herein willed to my son Otis P. Mills, and I direct that my Executors do execute and deliver to the said Annie M. Moore a deed therefor in case I do not make a deed therefor before my death".
4. In the second Codicil above referred to, is the following:
"Item 2. It is not my intention that the five acre tract of land devised and mentioned in Items 3, 4 and 5 of my will shall each necessarily adjoin the tract which I have devised to my son Otis P. Mills, but the devisees of these tracts may select their respective tracts wherever they may choose whether they adjoining the tract or not".
5. The said Testator did not make a deed to the tract selected by the plaintiff herein and which is hereinafter described, but the above named defendants, as Executors of her said estate, did as plaintiff is informed and believes, make and execute a deed to the plaintiff, her heirs and assigns, to that certain five acres of land situate in Cleveland Township, in said county and State and is as shown on plat by Dalton & Neves Jan 1938, to which said plat reference is here made as a part hereof; that the land so conveyed to the plaintiff as aforesaid is more particularly described as follows:
Beginning at an iron pin in the road to the Springfield place and runs thence N 20 W 474 feet, crossing the old location of Geer Highway twice; thence S 70 W 460 feet to a stone; thence S 20 E 474 feet, crossing the lake, to an iron pin in the before mentioned Springfield road; thence along the center of said road N 70 E 460 feet to the beginning corner.
6. By said deed said five acres were conveyed to her, her heirs and assigns in fee simple and free from encumbrance, but before it was recorded, was lost or destroyed and has never been

M. M. Moore