No. 8037. Equity

Exhibit #1.

Filed June 16-1906.

At the request of John Keater the following deed was recorded February 18-1858.

This Indenture made this eleventh day of June in the year Eighteen hundred and fifty six by and between William S. Miller of Frederick County in the State of Maryland of the first part and John Keater of the same County and State of the other part. Witnesseth: Whereas by a decree of Frederick County Court sitting as a Court of Equity in case number 1938 on the docket of said Court, the said William S. Miller was appointed a Trustee in the place and stead of Daniel Buckey, the former Trustee appointed in said case and ordered to proceed to execute the said trust confided to said Buckey, and whereas by a subsequent decree of said Court, the same Court now being under the Constitution and laws of Maryland, termed and known as the Circuit Court for Frederick County, as a Court of Equity, passed on the first day of May in the year 1855, the said Miller was duly authorized and empowered to convey the land sold under said decree, to the said John Keater, the purchaser thereof, on his paying the whole of the purchase money for said Real Estate, he being the purchaser of the same at the price or sum of Eight thousand four hundred & sixty dollars current money, and whereas the said John Keater has fully paid the said purchase money, and is now entitled to receive a deed for the same, and has applied to said Miller for such deed which he is willing to execute and deliver. Now this Indenture Witnesseth, that the said William S. Miller, as Trustee as aforesaid, for and in consideration of the premises, as also of one dollar current money to him in hand paid by the said John Keater, at the sealing & delivery of these presents, the receipt whereof is hereby acknowledged, hath given granted bargained & sold and by these presents does give, grant bargain & sell alien enfeoff, convey & confirm unto him the said John Keater, his heirs and assigns, all that tract of land lying & being in Frederick County aforesaid, called and known by the name of "Temple Lowry Island" sheretofore for christian Temple, on the second day of June in the year 1812, and containing one hundred and eight acres of land and which said tract of land was originally granted to the said Christian Temple by the State of Maryland, by its patent duly recorded in the Land Office of the State for the Western Shore of Maryland, as by reference to said patent duly recorded in said Land Office will more fully and particularly appear, the same being the same tract of land of which the said Christian Temple died seized & possessed, and which is to be sold in said case, number 1938, in the Circuit Court for Frederick County, as a Court of Equity, as aforesaid together with all and singular the buildings, improvements, timber, water courses, rights, privileges and appurtenances thereunto belonging or in anywise appertaining, to have and to hold the said tract of land called "Temple Lowry Island" or by whatever name or names the same may be called and known containing one hundred and eighty eight acres of land more or less, with all the rights, privileges and appurtenances thereunto belonging or in anywise appertaining, unto him the said John Keater, and his heirs and assigns forever. In Witness whereof the said William S. Miller, Trustee as aforesaid hath hereunto subscribed his name and affixed his seal the day & year first hereinbefore written. Wm. S. Miller (Seal)

Signed, sealed and delivered in the presence of H. N. Smith.

State of Maryland Frederick County, Sct.

This is also endorsed

June the eleventh 1856. Be it remembered and I hereby certify that on the day & year first hereinbefore written, personally appeared before me the subscriber, a Justice of the Peace of the State of Maryland, in and for Frederick County, William S. Miller, he being personally known to me to be the person who is named and described in, and performing to be a party, to the foregoing deed or indenture or instrument of writing to be his act & deed. In testimony whereof I hereunto subscribe my name on the day & year aforesaid. H. N. Smith.

State of Maryland, Frederick County, to wit:

I hereby certify that the foregoing is a true copy of the deed from William S. Miller, Trustee to John Keater, as the same is recorded in Liber J.G.S. No. folio 170. one of the Land Records of Frederick County, Maryland.

In testimony whereof I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County, at Frederick Maryland, this 18th. day of June 1906.

(Seal Cir. Court)

Samuel J. Koffner
Clerk of the Circuit Court for Frederick County, Md.

Exhibit #2.

Filed June. 16-1906.

In the name of God Amen. I, John Keater of the County of Loudon and State of Virginia being weak in body, but of sound and disposing mind, memory and understanding considering the uncertainty of death, and the uncertainty of the time thereof, and being desirous to settle my worldly affairs, and thereby be the better prepared to leave this world, when it shall please God to call me hence do therefore make and publish this my last will and testament in manner and form following, that is to say, first and principally I commit my soul unto the hands of Almighty God, and my body to the earth, to be decently buried. And after my debts and funeral expenses are paid I give and bequeath unto my son Richard Neater the life lease from the Spring Dale farm situated in the County of Loudon and State of Virginia, being the same purchased by me from the estate of the late Elias V. N. Dawson containing one hundred acres, more or less. Then I give and bequeath unto my son Richard Neater ten thousand dollars in trust for the sole and separate use of the children of my son Philip Henry Keater to be equally divided between them when they shall become of age but in case either of the said children should die in its infancy, its distributive share shall be divided between its brothers and sisters equally and if any of the children of the said Philip Henry Keater should die before they become of age or dispose of the amount so left in trust for their benefit shall revert to the estate of John Keater to be equally divided between his heirs according to law. The trust first mentioned shall cease when the children shall become of age. Lastly, I give and bequeath unto my son George Washington Keater and my daughter Sarah Jane Keater, to be equally divided between them the full price of my real estate whereof I shall be seized, in case my daughter Sarah Jane Keater shall die without issue her share of my property shall be divided equally between my living heirs. And I do charge and require my children to care and provide for their mother during her natural life, and at her death to bury the body decently in case she shall survive me. And I hereby and will any the surplus of my personal property to be equally divided according to law. And I do ordain that I hereby constitute and appoint my son Richard Neater first named in this will to be the executor of this my last will and testament revoking and annulling all former wills by me heretofore made ratifying this and none other to be my last will and testament. In testimony whereof I have hereto set my hand and affixed my seal this 8th day of September in the year 1898.

John Keater (Seal)

Signed sealed and delivered by John Keater the above named testator as and for his last will and testament in the presence of us who at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto.

Lephar Nempstone
Burr J. Tilts

At the County Court held for Loudon County, February 9th. 1914. A paper purporting to be the last will and testament of John Keater, deceased, was this day presented to the Court. Proved by the oaths of Lephar Nempston and Burr J. Tilts the subscribing witnesses thereto and ordered to be recorded. And on the motion of Richard the executor therein named who made oath as such and together with Mr. H. Keater and Sarah Jane Keater his securities (who justified) executed a bond in the penalty of $24,000. Conditioned, according to law. Certificate is granted him for obtaining a Probate of said Will in due form. And the said bond is ordered to be recorded. A. Copy. Test. Edgar Littleton, C.C.

A. Copy. Test. H. D. Nempston, C.C.

State of Virginia to Wit: I, H. Dade Nempston, Clerk of the Circuit Court of Loudon County in the State aforesaid, certify that the foregoing is a true transcript of the record in the matter of the probate and recordation of the last will of John Keater, deceased, as fully and truly as the same now exists among the records of the said Court, and I further certify that E. E. Nicol, whose genuine signature appears to the following certificate, executed, is the duly elected Judge of the said Court which is a Court with general jurisdiction. In testimony whereof I hereunto set my official hand and affix the seal of said Court, this 16th. day of June. 1906. H. D. Nempston, Clerk. (Seal Cir. Court Va.)

State of Virginia To Wit:

I, E. E. Nicol, the duly Judge of the Circuit Court of Loudon County, in the State aforesaid, Certify that H. Dade Nempstone who hath given the foregoing Certificate, executed officially, is the Clerk of said Court, qualified according to law, that his said attestation is in due form, and by the proper officer, and that the said Court is a Court with general jurisdiction.

Given under my hand, this 12th. day of June. 1906.

E. E. Nicol. Judge