

~((the))~

First Will

~((and))~

Testament

~((of))~

PATTY SMITH HILL.

I, PATTY SMITH HILL, residing in the Borough of Manhattan of the City of New York, County and State of New York, and a citizen of the United States of America, do hereby make, publish and declare this to be my Last Will and Testament, in form and words as follows:

FIRST: I direct that all my just debts and funeral expenses be paid as soon after my decease as may be convenient.

SECOND: I give, devise and bequeath all the rest, residue and remainder of my estate, whether real, personal or mixed, and wheresoever the same may be situate, to my sister, JESSICA MATEER HILL, if she shall survive me, to be her sole property absolutely and forever.

THIRD: If, however, my said sister, JESSICA MATEER HILL, shall predecease me, then and in that event I give, devise and bequeath my estate as follows:

a. I give and bequeath to the Cave-Hill Cemetery at Louisville, Kentucky, the sum of five hundred (\$500) dollars for the perpetual care of my family plot therein; and I also direct that at my death my executor shall expend an additional amount for the placing of plain and inconspicuous markers on the graves of my family who are buried in said plot.

b. I give, devise and bequeath to my nephew, PROFESSOR ARCHIBALD ANDERSON HILL of Charlottesville, Virginia, if he shall survive me, my real property at Waterside Lane, Clinton, Connecticut, and the furnishings and furniture in the cottage, except the portable cottage standing in the rear of the property.

c. I give and bequeath to my niece, MURIEL HILL of Charlottesville, Virginia, wife of my nephew, PROFESSOR ARCHIBALD ANDERSON HILL, the sum of twenty-five hundred (\$2,500) dollars if she shall survive me.

5778

86

d. I give and bequeath the income, profits and royalties and other moneys derived from my contracts with O. SCHOENHUT, INC. of Philadelphia, Pennsylvania, or with any other firm with which I at the time of my death may have contracts for the manufacture and sale of HILL FLOOR BLOCKS or HILL-HART CHAIRS or modifications or improvements in either of them, to CHARLOTTE G. GARRISON and AGNES BURKE, both of New York City, in equal shares for the term of their natural lives and for the life of the survivor of them; and upon the death of the survivor of them all such contracts and the income, profits, royalties and other moneys shall revert to and become part of my residuary estate, to be disposed of as hereinafter directed. I direct that neither the said CHARLOTTE G. GARRISON or AGNES BURKE shall be required to furnish any bond which by law might otherwise be required of them to account for said contracts and the delivery of them to those entitled thereto upon the decease of said life tenants.

e. I give and bequeath to LUCILE F. KELSEY of Clinton, Connecticut, the sum of five hundred (\$500) dollars if she shall survive me.

f. I give and bequeath to ALEXINA G. BOOTH of Edgehill Inn, Spuyten Duyvil, New York, if she shall survive me, the sum of five hundred (\$500) dollars and the portable cottage standing in the rear of my Clinton property and excepted from the devise set forth in subdivision "b" hereof. I request my nephew to permit MISS BOOTH to reside in the portable cottage as long as she desires without cost or charge except insurance, repairs, water, electricity and fuel, as long as he remains the owner of the Clinton property; and to permit her to move the portable cottage off the premises at her pleasure but at her own expense.

g. I give and bequeath to MRS. JANIE RICE BIGELOW of 721 Whaley Street, Columbia, South Carolina, the sum of one thousand (\$1,000) dollars if she shall survive me.

5779

h. I give and bequeath to CORA L. KENNEY of New York City, my housekeeper for many years, the sum of fifteen hundred (\$1,500) dollars if she shall survive me, and to be paid to her in five (5) annual instalments of three hundred (\$300) dollars each; the first instalment to be paid to her seven (7) months after the date of the qualification of my executor, and annually thereafter, but if the said CORA L. KENNEY having survived me shall die prior to the date on which any instalment shall become payable, all unmatured instalments shall thereupon revert to and become part of my residuary estate to be disposed of as hereinafter directed.

i. I give and bequeath to the HINDMAN SETTLEMENT SCHOOL, INC. of Hindman, Knott County, Kentucky, the sum of one thousand (\$1,000) dollars to be used by it for its lawful corporate purposes.

j. I give and bequeath to the ASSOCIATION FOR CHILDHOOD EDUCATION, a corporation organized and existing under the laws of the District of Columbia, and having its office at No. 1201 16th Street, Northwest, Washington, District of Columbia, the sum of five thousand (\$5,000) dollars if my net estate shall be valued at sixty-five thousand (\$65,000) dollars or less; and if my net estate shall be valued at an amount equal to seventy-five thousand (\$75,000) dollars or more, I then give and bequeath to said ASSOCIATION FOR CHILDHOOD EDUCATION the sum of ten thousand (\$10,000) dollars. I order and direct that any bequest made to said LEGATEE under this subdivision "j" shall be known as the "PATTY SMITH HILL FUND" and that it be used for its lawful corporate purposes. The term "net estate" as used in this subdivision "j" shall be construed as the value of my gross estate as returned for estate tax purposes less the amount of all funeral expenses, executor's commissions, attorney's fees, miscellaneous administration expenses, debts and net losses incurred during administration.

k. If any legatee named in this paragraph "THIRD" shall

5780

predecease me, or being a corporate legatee shall lose its corporate existence or identity by dissolution, voluntary or otherwise, or by merger or consolidation prior to the date of my death, the legacy bequeathed to such individual or corporation shall lapse and revert to my residuary estate to be disposed of as hereinafter directed.

FOURTH: I give, devise and bequeath all the rest, residue and remainder of my estate of whatsoever kind and nature and wheresoever the same may be situate and over which I at the time of my death may have any power of disposition, to my trustee hereinafter nominated and appointed, IN TRUST NEVERTHELESS, upon the following uses and purposes: to hold, manage, invest and re-invest the same and after deducting all proper and necessary charges and expenses incurred in the administration thereof including trustee's commissions, to pay over the net income therefrom to my nephew, PROFESSOR ARCHIBALD ANDERSON HILL of Charlottesville, Virginia, during his life in semi-annual instalments or oftener in the discretion of my trustee; and upon the death of my said nephew the trust hereby created shall terminate and come to an end, and the corpus or fund remaining on hand together with any accrued income shall be paid over to the children of my nephew him surviving, in equal parts, share and share alike; and in default of such children him surviving, the corpus or fund remaining on hand together with any accrued income shall be paid over to the ASSOCIATION FOR CHILDHOOD EDUCATION, a corporation organized and existing under the laws of the District of Columbia, to be used by said corporation for its lawful corporate purposes and to be designated as the "PATTY SMITH HILL FUND." The term "children of my nephew" shall be construed to refer to and include any legally adopted child or children.

FIFTH: I give and grant to my executor and trustee, and to his successor in office, the right, power and authority in his sole and uncontrolled discretion:

5781

a. To hold and retain all stocks, bonds, securities, and any other property, real or personal, in the same form as that received by him although not of the character of investments permitted by law to executors or trustees.

b. To invest and reinvest any moneys coming into his possession in such amounts and in such stocks, bonds, securities and mortgages, as to him may seem advisable or desirable even though they may not be of the character denominated as legal investments for testamentary trustees.

c. To sell at public or private sale, for cash or on such terms of credit as to my executor or trustee may seem proper or expedient, all or any part of my estate not otherwise specifically bequeathed, and to execute and deliver good and sufficient instruments of title.

d. To pay out of the corpus or fund comprising the trust, in addition to the income therefrom, the amount required annually or oftener for the amortization of principal under the terms of any mortgage or extension or renewal thereof on real property owned and occupied by my nephew, PROFESSOR ARCHIBALD ANDERSON HILL, as a dwelling house, if he shall so request; but such payments out of principal shall cease in the event my said nephew shall no longer be obligated to make payments of principal by way of amortization on such dwelling place. My trustee shall be under no duty to see to the application of any amount paid by him for such purpose, but may pay over the same to my nephew upon his request therefor without further liability or accountability in the premises.

e. To enter into contracts and licensing agreements and renewals thereof for the manufacture and sale of "PATTY S. HILL FLOOR BLOCKS" and "HILL-HART CHAIRS", and any improvements or modifications thereof; and to execute, acknowledge and deliver any and all agreements necessary or desirable for the renewal of any copyrights in literary or musical compositions in which I at

5782

the time of my death may have any right, title or interest, and, further, to grant licenses for the use thereof, restricted or general, to join in or become a party to any litigation which may be necessary for the better enforcement of my rights in any such property, to prosecute such litigation to judgment or settle and compromise the same upon such terms and conditions as to him shall seem just and proper in the circumstances; and generally to do or cause to be done any of the foregoing upon such terms and conditions as to him shall seem proper, expedient or desirable in the premises.

SIXTH: I nominate, constitute and appoint SAMUEL MANN of 70 Pine Street, New York City, to be the executor and trustee under this my Last Will and Testament, and I order and direct that he shall not be required to furnish any bond or other security for the performance of his duties as such executor or trustee in any jurisdiction whatsoever. In the event of his failure or refusal to qualify as executor or trustee, or if having qualified the said SAMUEL MANN shall thereafter be unable or unwilling to continue to act hereunder, I nominate, constitute and appoint my aforesaid nephew, PROFESSOR ARCHIBALD ANDERSON HILL, to be executor and trustee hereunder to serve without bond or other security for the performance of his duties hereunder; and in the event of the qualification of my said nephew as trustee hereunder, I order and direct that he shall not be required to furnish any security which by law he might otherwise be directed to give to account for and to insure the delivery to his successors in interest of any property coming into his possession or control under paragraph "FOURTH" hereof.

SEVENTH: I hereby revoke any and all former wills and codicils thereto by me at any time heretofore made.

IN WITNESS WHEREOF I have subscribed this, my Last Will and Testament consisting in all of seven (7) typewritten

pages, this 9th day of June, one thousand nine hundred and forty five.

Patty Smith Hill

In the presence of:

Samel Brown
.....

Fred Litcher
.....

The foregoing instrument was on the date thereof signed, sealed, published and declared by PATTY SMITH HILL, the Testatrix named therein, as and for her Last Will and Testament in our presence; and we, the undersigned, at her request and in her presence and in the presence of each other, subscribed our names thereto as witnesses on the day, month and year above set forth.

Samel Brown.....residing at *299 West 12th Street*
New York, New York
.....

Fred Litcher.....residing at *340 East 57th St*
New York 22 - N.Y.
.....