

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

WHEREAS, Bessie B. Mahaffey, now deceased, on February 23, 1953, executed an inter-vivos trust indenture to the grantor herein as Trustee, simultaneously transferring to said Trustee cash, securities and property; and

WHEREAS, On the same date the said Bessie B. Mahaffey, deceased, executed to grantor herein as Trustee her trust deed conveying to the grantor herein certain real estate to be held by it pursuant to the terms of the trust indenture dated February 23, 1953, which said trust deed was duly recorded in the Office of the Register of Mesne Conveyance for Greenville County, South Carolina in Deed Book 473, Page 447; and

WHEREAS, Paragraph four of said trust indenture reserved to the said Bessie B. Mahaffey the right and power to revoke said trust indenture and deed by instrument executed and probated in the form required by the laws of the State of South Carolina for recording a conveyance of real estate, said paragraph providing that upon the lapse of sixty days from delivery of such instrument, said trust to be deemed revoked; and

WHEREAS, On November 6, 1953, the said Bessie B. Mahaffey, now deceased, executed a written instrument probated in the form required by the laws of the State of South Carolina for recording conveyances of real estate revoking said trust indenture and deed in accordance with paragraph four of said trust indenture, which instrument was delivered to Trustee on November 7, 1953; and

WHEREAS, The said Bessie B. Mahaffey died testate on December 16, 1953 before the expiration of said sixty-days period, leaving of force her last will and testament dated December 16, 1953, on file in the Office of the Probate Court for Greenville County, South Carolina, in Apartment 623, File 24, under the terms of which said will T. K. Peden was named as Executor and Trustee; and

WHEREAS, The said T. K. Peden was on January 4, 1954 appointed Executor and Trustee of the Will of Bessie B. Mahaffey, deceased under said will; and

WHEREAS, On or about the 24th day of January, 1954, an action was instituted in the Court of Common Pleas for Greenville County, South Carolina by The Peoples National Bank of Greenville, South Carolina, as Trustee under Indenture with Bessie B. Mahaffey dated February 23, 1953, Plaintiff, against T. K. Peden, individually and as Executor and Trustee under the Will of Bessie B. Mahaffey, et al, which resulted in an order of Hon. J. Robert Martin, Jr., Resident Judge of the Thirteenth Judicial Circuit dated September 16, 1955, which order held that said instrument executed by Bessie B. Mahaffey, now deceased, on November 6, 1953, effectively revoked the trust indenture executed by her on February 23, 1953 and also the deed simultaneously executed by her to the grantor herein as Trustee (recorded in the Office of the R.M.C. for Greenville County, S.C. in Deed Book 473, Page 447), and that the grantor herein under said trust indenture and said deed was after January 7, 1954 obligated to account to the Estate of Bessie B. Mahaffey and assign, transfer and convey all the property, real and personal, held by it under the said trust indenture and deed; and

WHEREAS, Archie B. Mahaffey, a person non compos mentis, by his duly appointed Guardian ad Litem, Mary Richardson Boiter, on February 6, 1954 filed in the Office of the Probate Court for Greenville County, South Carolina, his notice requiring said will to be proved in solemn form; and