

WHEREAS, said order further provided that the Trustee under said trust indenture and deed should continue to hold, manage and control said property until the validity of the will of Bessie B. Mahaffey was finally determined and the parties to whom plaintiff should account and transfer said property are fixed, or until the further order of this court; and

WHEREAS, Upon appeal of W. M. Guest and Ora Mae Hollingsworth, two of the respondents in said action, the order of Hon. J. Robert Martin, Jr. dated September 16, 1955 was affirmed. (See 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, 229 S.C. 167, 92 S.E. 2d 163, Judgment Roll _____ Office of the Clerk of Court for Greenville County, S. C.); and

WHEREAS, The issue of will or no will was tried in the Probate Court for Greenville County, South Carolina, and resulted in an order of said court dated January 30, 1958 sustaining said will dated December 16, 1953 as the last will and testament of the said Bessie B. Mahaffey, deceased; and

WHEREAS, An appeal from said order was taken to the Court of Common Pleas for Greenville County, South Carolina by the Guardian ad Litem for said non compos mentis, Archie B. Mahaffey; and

WHEREAS, The issues raised by said appeal and exceptions were tried de novo in the Court of Common Pleas for Greenville County, South Carolina, beginning on May 26, 1958 and ending on May 30, 1958, the issue being will or no will, which trial resulted in a jury verdict that the will of Bessie B. Mahaffey dated December 16, 1953 was signed and attested in accordance with law and that at that time she had sufficient mental capacity to execute said will and understand its contents and that she was free from any undue influence; and

WHEREAS, Said jury findings were confirmed by order of Hon. J. Robert Martin, Jr., Resident Judge of the Thirteenth Judicial Circuit, dated July 11, 1958 in which order the court adjudicated said will dated December 16, 1953 as the valid last will and testament of Bessie B. Mahaffey, deceased; and

WHEREAS, Notice of intention to appeal from the verdict and judgment was served on June 9, 1958, but said appeal was not perfected and was by consent order of Hon. J. Robert Martin, Jr. dated July 11, 1958 dismissed so that the validity of the will of Bessie B. Mahaffey, deceased dated December 16, 1953 thereby became finally determined. (See Judgment Roll _____, Office of the Clerk of Court for Greenville County, South Carolina).

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS That the Peoples National Bank of Greenville, S. C., as Trustee under Indenture with Bessie B. Mahaffey dated February 23, 1953, and as Trustee under Deed of Trust executed by Bessie B. Mahaffey on February 23, 1953 and recorded in the Office of the R.M.C. for Greenville County, S. C., in Deed Book 473, Page 447, in consideration of the premises and orders of the Court hereinabove recited, has granted, bargained, sold and released, and by these presents does hereby grant, bargain, sell and release unto T. K. Peden, as Executor and Trustee under the Will of Bessie B. Mahaffey dated December 16, 1953, the following-described property: