Secondly In trust to deliver to Mrs Jane McCox mother of the said Franklin Cox all the property real or personal before described if any remain after paying off & satisfying said debts & all the proceeds & profits of the same remaining after paying all charges hereby incurred, and the said Franklin Cox doth hereby declare that upon the payment of his said debts or so much of them as the proceeds of the said property real & personal will satisfy & in case there should be any remaining after paying the said debts upon the delivery to the said Mrs Jane M Cox of the surplus as aforesaid then said trusts shall cease and determine, and the land and ~~properties~~ & personal property so delivered over to the said Mrs Jane M Cox shall belong in fee simple absolute to her her heirs forever, and the said parties of the second part do hereby signify their acceptance of this trust and do hereby covenant and agree to & with the said party of the first part faithfully to discharge & execute the same according to the true intent & meaning of these presents

In witness whereof the said parties of the first part and of the second part have hereunto set their hand & seal this 25th day of February AD 1863, Sealed & delivered in presence of (as the last word in the second line on the recent page being first erased also the words one thousand in 3 & 4th lines same page having been crossed & the words seven hundred interlined between the 3 & 4th lines)

G W Michal — Franklin Cox (Seal)
Thomas S Duffy — L F Churchill (Seal)
O Bartlett (Seal)

North Carolina } February 27th 1863
Rutherford County } G W Michel proves the execution of the foregoing Deed of trust. It is recorded and ordered to be registered
Recd the Tax fee $1.00 — E Toms Clk

North Carolina } I do hereby certify that the within deed & the
Rutherford County } annexed Certificate are duly Registered in the registers office of said County this 7th March 1863
Book 48 No 470 — W L Griffin Regr

The State of South Carolina

To R L Gilkey E Toms and L B Bryan Esquirs of Rutherford County in the State of North Carolina Greeting

Know ye that in consideration of your integrity and skill full power is hereby given to you, or any two or more of you to take probate of the execution of the deed of indenture hereunto annexed between Franklin Cox of the first part and L F Churchill and O Bartlett of the second part, dated the 25th of February 1863 and for this purpose you shall cause one of the subscribing witnesses of the deed aforesaid, to appear before you and having administered unto him, as you are hereby fully authorised to do, an oath or solemn affirmation according to the form of
267 his religious persuasion that his affidavit is true, you shall take under his hand, an affidavit that he was personally present and saw the said Franklin Cox and L F Churchill and O Bartlett