

~~WILL~~ MORTGAGE OF REAL ESTATE

STATE OF GEORGIA,)
 COUNTY OF FULTON.)

WHEREAS, Milton A. Smith, late of the County of Fulton, State of Georgia, died testate during the year 1913 and his Will was duly admitted to probate in Fulton County, State of Georgia. By Item 4 of his Will, he created a trust in favor of his granddaughter, Elizabeth O. Massengale, and named as Trustees his two sons, Milton G. Smith and J. Ormond Smith. The said J. Ormond Smith subsequently died in July, 1933 and the trust was managed and controlled by Milton G. Smith as sole Trustee until the death of Milton G. Smith in March, 1947; and,

WHEREAS, the Trust Company of Georgia, a Georgia corporation, was subsequently, on the 26th day of March, 1947 appointed as Successor Trustee by the Superior Court of Fulton County, Georgia, and said Trust Company is now the duly qualified and acting Trustee under Item 4 of said Will; and,

WHEREAS, on April 24, 1926, Clifford I. Smith, the widow of Milton G. Smith, executed and delivered to J. Ormond Smith and Milton G. Smith, as Trustees aforesaid, her certain mortgage deed in writing, in amount of Five Thousand Dollars (\$5,000.00), covering Lot No. 17 of the Cagle Property on Augusta Street in the City of Greenville, and the said Clifford I. Smith subsequently, on May 10, 1930, executed and delivered to said Trustees another mortgage deed in amount of Eleven Thousand Three Hundred Dollars (\$11,300.00), covering the same property; and,

WHEREAS, both mortgages were satisfied on the public records of Greenville County, South Carolina, by Milton G. Smith on October 28, 1946, and some question has arisen with reference to the capacity or power of said Milton G. Smith to so satisfy and cancel said mortgages; and

WHEREAS, all ultimate beneficiaries under said trust, in March, 1947, by proper release in writing, released and discharged the said Clifford I. Smith from any further claim or liability, and it is now deemed necessary and proper that the Trust Company of Georgia, as the Successor Trustee, should at this time execute this satisfaction of the above referred to mortgages, and it is understood that no money consideration is passing to said Trust Company for this satisfaction, but that this satisfaction is being executed by said Trust Company in accord and in furtherance of the mutual releases executed by all ultimate beneficiaries of said trust,

NOW, THEREFORE, in consideration of the premises, and in pursuance of the Order of Superior Court of Fulton County, Georgia, dated July 1, 1947 in the case of Ex parte, Trust Company of Georgia, as Successor Trustee for Elizabeth Ormond Massengale, Non compos mentis, No. 164, 214, Fulton Superior Court, and in further consideration of the sum of One Dollars (\$1.00), receipt whereof is hereby acknowledged, the said Trust Company of Georgia, as Successor Trustee, does hereby authorize and empower the Register of Mesne Conveyance of Greenville County, South Carolina, to satisfy and cancel of record the following two mortgages:

- (1) Mortgage of Clifford I. Smith to J. O. and Milton G. Smith; trustees, dated April 24, 1926 for the original sum of \$5,000.00 and recorded in Mortgage Book 169, page 297, R. M. C. Office for Greenville County, S. C.
- (2) Mortgage of Clifford I. Smith to J. O. and Milton G. Smith, trustees for Elizabeth Ormond Massengale, dated May 10, 1930, for the original sum of \$11,300.00, recorded in Mortgage Book 231, page 243, R. M. C. Office for Greenville County, S. C.

IN WITNESS WHEREOF, the said TRUST COMPANY OF GEORGIA, as Successor Trustee for Elizabeth Ormond Massengale, has, by its duly authorized officer, executed and delivered the foregoing satisfaction, this 2nd day of July, 1947

In the presence of:

Ruth R. Hayes
 Charlotte K. Chambers

TRUST COMPANY OF GEORGIA, (SEAL)
 As Successor Trustee for Elizabeth
 Ormond Massengale.