

I, M. CHARLOTTE LEIGHTON, a single person, sometimes known as MARY CHARLOTTE LEIGHTON, of Rochester, in the County of Strafford and State of New Hampshire, being of lawful age and of sound and disposing mind and memory, but realizing the uncertainty of life, do hereby make, publish and declare this my LAST WILL AND TESTAMENT, revoking any prior testamentary dispositions by me.

FIRST: I give and bequeath my motor cultivator, my motor lawnmower, and all of my power tools, and trailer to my friend, EDWARD J. HAMEL of Gonic, N.H.

SECOND: I give and bequeath to each of my nephews, HENRY A. LEIGHTON and ALAN J. LEIGHTON the sum of Five-hundred (\$500.) dollars.

THIRD: I give and bequeath to my friend, NOELLA HAMEL, wife of the said EDWARD J. HAMEL, of said Gonic, the sum of One-hundred (\$100.) dollars.

FOURTH: I give and bequeath to the Trustees of the Trust-Funds of the City of Rochester, their successors and assigns, the sum of One-thousand (\$1,000.) dollars, IN TRUST NEVERTHELESS, for the following purposes:

(1) This fund shall be known as the **CHARLOTTE LEIGHTON FUND** and is given to the said Trustees in perpetuity for the sole and exclusive use of the Spaulding High School Library, or successor Rochester Public High School Library.

(2) The Trustees of said City shall take possession of, hold, manage, invest and reinvest the principal and collect the income and profits thereof, and shall apply the net total of said income and profits for needed books at said Library.

(3) In addition to their usual powers, the Investment Committee of said Trustees is hereby authorized to invest and reinvest in, and to acquire by exchange or otherwise, property of any character, including, but not restricted to, bonds, notes, debentures, mortgages, certificates of deposits in dollars common and preferred stocks, without being restricted to investments in which either an Executor, Trustee or New Hampshire Savings Bank, may be authorized

to invest estate or trust funds in under the laws of the State of New Hampshire or any other state.

(4) In addition to their usual powers, said Trustees are hereby further authorized to comingle and invest this principal with any and all other trust funds which are now held or which may hereafter be acquired by said Trustees.

(5) No Trustee shall be liable for any loss from any investment or reinvestment made or retained in good faith.

FIFTH: If any of the legatees named above in Article FIRST, SECOND or THIRD of this my LAST WILL AND TESTAMENT shall predecease me, the bequest to such deceased legatee shall lapse, and such bequest shall become a part of my residuary estate, to be disposed of as hereinafter provided.

SIXTH: If any of the items named above in Article FIRST of this my LAST WILL AND TESTAMENT shall be lost, destroyed, or otherwise disposed of during my lifetime, then, and in such event, that bequest, or so much of that bequest that may be lost, destroyed or otherwise disposed of during my lifetime, as the case may be, shall be adeemed.

SEVENTH: If my estate at my death shall not be sufficient to permit the payment in full of all legacies contained in Article SECOND or THIRD of this my LAST WILL AND TESTAMENT, then, and in that event, I direct that all legacies contained in Article SECOND or THIRD of this my LAST WILL AND TESTAMENT shall abate proportionately to meet the said condition of my estate.

EIGHTH: All the rest, residue and remainder of my estate, real, personal and mixed, which I do now or may hereafter own, or over which I do now or may hereafter have any power of disposition or appoint or otherwise (both hereinbefore and hereinafter referred to as "My Residuary Estate"), I give, bequeath, devise and appoint to my sister, SADIE L. MERRIAM Of said Rochester, provided, however, that if my sister, the said SADIE L. MERRIAM, shall either predecease

me, or shall survive me; but shall die without having expended any balance of my residuary estate, then, and in such event, I give, bequeath, devise and appoint my residuary estate to my friends, Katharine Louise Urion, Daughter of my Attorney, the said Paul B. Urion; 'Jake' Collins; and Paul Frye, all of said Rochester, or to the survivor or survivors of them, in equal shares, share and share alike, absolutely and forever, provided further, however, that my Co-executor as hereinafter provided for in CLAUSE NINTH of this MY LAST WILL AND TESTAMENT, shall first add the sum of Five Hundred (\$500.) Dollars to the CHARLOTTE LEIGHTON TRUST FUND for the Spaulding High School Library, established by CLAUSE FOURTH of this MY LAST WILL AND TESTAMENT, which said additional sum of Five Hundred (\$500.) Dollars shall become merged with the original principal sum of One Thousand (\$1,000.) Dollars, making a total principal sum of Fifteen Hundred (\$1,500.) Dollars to be managed, invested, and otherwise disposed of as provided for by CLAUSE FOURTH and SECTIONS numbered (1) through (5) inclusive in CLAUSE FOURTH of this MY LAST WILL AND TESTAMENT.

NINTH: I hereby nominate, constitute and appoint my friend, MARTHA F. GRIERSON, and my Attorney, PAUL B. URION, both of Rochester, New Hampshire as Co-executors of this my LAST WILL AND TESTAMENT, and expressly direct that no bond or other security shall be required of said Co-executors in this or in any other jurisdiction to secure the performance of their duties as such. If either the said MARTHA F. GRIERSON, or the said PAUL B. URION, shall not survive me, or shall fail to qualify as Co-executor, or having qualified as Co-executor, shall resign, die or become incapacitated, then I nominate, constitute and appoint the surviving Co-executor as sole Executor of this Will and expressly direct that no bond or other security shall be required of said surviving Co-executor in this or in any other jurisdiction to secure the performance of his or her duties as such Executor.

M. Leighton

TENTH: I direct that all estate, inheritance, transfer, legacy, succession and other similar taxes and duties, Federal and State, applicable to or payable on account of my estate and all legacies, devises, property and interest provided in and by or passing under this Will, including any such tax payable by reason of the inclusion in my gross estate for tax purposes of any property held jointly and the proceeds of any life insurance shall be paid out of the corpus or principal of my residuary estate.

IN WITNESS WHEREOF, I do hereunto set my hand and seal and in the presence of three competent witnesses publish and declare this instrument written on four (4) numbered sheets, one side only of each being used and each sheet preceding the one upon which I sign having been initialed by me at the bottom, to be my LAST WILL AND TESTAMENT this 8th day of September, 1961.

Charlotte M. Leighton
Charlotte M. Leighton

SIGNED, SEALED, PUBLISHED AND DECLARED as and for her LAST WILL AND TESTAMENT by the above named M. CHARLOTTE LEIGHTON known to us to be such, in the presence of us three, who, at her request, in her presence and in the presence of each other, have hereunto subscribed our names as witnesses on the day and year above written.

Robert A. Cantelero residing at *Kearney St. H.*
William E. Cantelero residing at *S. Riverside St.*
Harold J. Cantelero residing at *New Durham, N.C.*