

State of South Carolina,
County of Greenville.

(Deed 75)

WHEREAS an indenture was heretofore executed as a marriage settlement by Alexander Macbeth, Eliza Florence Trenholm, (now Eliza T. Macbeth, wife of the said Alexander Macbeth) and William Lee Trenholm, whereby the said Eliza Florence Trenholm conveyed and assigned to the said William Lee Trenholm certain real and personal property "in trust, nevertheless, to and for the following uses, intents and purposes, that is to say, to have, hold and possess all the property, real and personal, hereinbefore described and to receive and possess the rents, profits, interest, income and accumulations thereof, in trust to the sole and separate use of the said Eliza Florence Trenholm, her heirs and assigns, until the solemnization of the intended marriage between her and the said Alexander Macbeth, and from and after the solemnization of the said intended marriage to pay over all the rents, profits, interest and income of the real and personal property to the said Eliza Florence Trenholm for her sole and separate use during the term of the joint lives of the said Alexander Macbeth and Eliza Florence Trenholm, free from the control, debts, contracts and liabilities of any kind whatsoever of the said Alexander Macbeth; but so that she may not dispose of the same or of any part thereof in any method of anticipation, or give valid discharge for any more of the said rents, profits, interest and income than for so much thereof as shall have become actually due and payable at the time such discharge is given; and upon the death of the said Eliza Florence Trenholm, in case she die in the life time of the said Alexander Macbeth, leaving issue living at the time of her death, then in trust to apply, during the term of the natural life of the said Alexander-Macbeth one-half of the said rents, income, interest and profit to the use of the said Alexander-Macbeth and the other thereof to the maintenance and support of the issue of the said Eliza-Florence Trenholm, living at the time of her death as aforesaid, share and share alike; except that the children of a deceased child or deceased children shall only take among them the share or shares to which the parent or parents would have been entitled; and after the death of the said Alexander Macbeth, in case the said Eliza Florence Trenholm shall die before him, leaving issue at the time of her death, then in trust as to the whole of the said real and personal property to the use of the issue of the said Eliza Florence Trenholm living at the time of the death as aforesaid of the said Alexander Macbeth, their heirs and assigns forever, share and share alike, the children of a deceased child or deceased children taking among them the share or shares of the parent or parents; but in the event that the said Eliza Florence-Trenholm shall die before the said Alexander Macbeth leaving no issue living at the time of her death; or in the event that, the said Eliza Florence Trenholm having died in the lifetime of the said Alexander Macbeth, leaving issue living at the time of her death, the said issue shall all die in the lifetime of the said Alexander Macbeth, then in trust as to one-half of the said trust property to the use of the said Alexander Macbeth, his heirs and assigns, executors, administrators and assigns forever; and as to the other half, to the use in fee simple and absolutely of the person or persons who would have been entitled under the existing statutes of distribution of the State of South Carolina to take the estate, real and personal, of the said Eliza Florence Trenholm at the time of her death if she had died unmarried and intestate; but in the event that the said Eliza Florence Trenholm shall survive the said Alexander Macbeth then in trust to pay over to her the rents, profits interest and income of the said trust property during the term of her natural life, to her sole and separate use; and after her death she having survived the said Alexander Macbeth, then to the use, as to the whole of the said trust property, of her issue living at the time of her death, share and share alike; but so that the children of a deceased child or children shall only take the share or shares of the parent or parents; and in default of such issue living at the time of her death, she having survived the said Alexander Macbeth, then in trust to the use in fee-simple and absolutely of the person or persons entitled to take her estate, real and personal, under the existing statutes of distribution of the State of South Carolina; Provided always, and it is the true meaning and intent of these presents, that the said William Lee Trenholm may, so long as he continues to act as Trustee touching the trusts herein created and limited, and whenever he deems it expedient, sell or exchange any portion, of the aforesaid trust property, or of any other trust property of which he may become seized or possessed as Trustee as aforesaid, for its full value and upon such terms as he shall deem best, and upon receiving the consideration of any such sale may convey deliver or assign the property so sold to the purchaser or purchasers; but so that upon every such sale he shall immediately reinvest the proceeds thereof in such property, real or personal, as he shall deem best, and so that the proceeds of all such sales and the property purchased therewith or the property exchanged as aforesaid for trust property shall be subject to all the trusts and provisions in these presents limited and contained; and provided always that the said William Lee Trenholm, as long as he shall exercise the office of Trustee by virtue of these presents, shall not be held responsible for any losses occasioned by investments made in good faith or for any sum or sums of money which shall not have actually come unto his possession or under his control"; all of which will more fully appear by reference to the said indenture of marriage settlement, which bears date the fourth day of February, A.D. 1868, and was duly recorded in the office of the Register of Mesne Conveyances for the County of Charleston, in the State of South Carolina, on February 7th, 1868, in Book " F. No. 15", at pages 346 to 349, inclusive; and which was also recorded in the office of the Secretary of State at Columbia, South Carolina, on February 22nd., A.D. 1868, in Book No. 20 of marriage settlements, at pages 97 to 102, inclusive. And Whereas the said William Lee Trenholm, after accepting the trusts vested in him under and by the terms of said marriage settlement, departed this life; and a petition for the appointment of a new Trustee thereunder was filed by the said Alexander Macbeth and Eliza Florence Trenholm Macbeth, his wife, in the Court of Common Pleas for the County of Charleston, in the State of South Carolina; which Court accordingly ordered that Alexander Macbeth be appointed and substituted as Trustee under the said deed of marriage settlement in the place and stead of said William L. Trenholm, deceased; and the Trustee as appointed is hereby vested completely and absolutely with all the estate, right, title, interest powers, privileges and authorities, and be as liable to all the conditions, terms and restrictions as said William L. Trenholm was vested with or liable to, all of which will more fully appear by the decrees of said Court, which bears date the 20th. day of November, A.D. 1902, and was recorded in the office of the Register of Mesne Conveyance for the County of Charleston in the State of South Carolina, across the face of the record of the Deed of marriage-