

STATE OF SOUTH CAROLINA:

# Last Will and Testament

OF

FRANCES H. DILL RHETT

IN THE NAME OF GOD, AMEN.

I, FRANCES H. DILL RHETT, of Charleston, South Carolina, being of sound and disposing mind and memory, hereby revoking all former testamentary instruments heretofore made by me, do make, publish and declare this writing as and for my Last Will and Testament.

ITEM 1: I will and direct that my Executor and Executrices hereinafter named pay all of my just debts as soon after my decease as practicable.

ITEM 2: I give and bequeath all of my personal belongings such as clothing, jewelry, etc. to my sisters in equal shares, or to the survivor, except as otherwise listed, and provided for hereinafter.

ITEM 3: I give and bequeath all of my silverware, furniture and household furnishings that are mine and that did not come from the Rhett family, except money, stocks, bonds and financial investments, to my sisters in equal shares or to the survivor.

ITEM 4: I give and devise all of my right, title and interest in and to any real estate that I may own on James Island, unto my sisters in equal shares, or to the survivor, with full power to my said sisters or the survivor during their or her respective lifetime to sell and dispose of all or any portion of the property devised in this Item and to invest and reinvest the proceeds as they shall deem best, without being restricted to

Frances H. Dill Rhett - Page 1

so-called trust securities during their lifetime and with full power to use the income from the said property, but with no power to encroach on the corpus. After the death of both of my sisters in the event that there is any real estate on James Island which has not been sold, I give and devise all of my right, title and interest in such real estate on James Island to the Charleston Museum, located in Charleston, South Carolina, in trust nevertheless upon the following trusts, to wit:

To hold and manage the said property for a Wild Life Refuge or a place when used as a Wild Life Refuge to educate persons interested in the work of the Museum for field trips, research and other educational purposes, with the distinct proviso however, that no caged birds, animals or reptiles shall be placed or kept on the property, and that all birds, animals and reptiles which are studied on the property shall be free and unhindered in their living, and with the further proviso that the property shall be a bird and animal sanctuary. This property shall be recognized and designed by the Museum as having been given by a member of the Dill family and the name Dill shall be incorporated in whatever name is used by the Museum. I further request that if Battery Pringle and Battery Tynes, either or both, are included in the property which passes under this devise that it be preserved as one of the important exhibits of the Museum. In the event that my sisters have sold this land in their lifetime or that the Charleston Museum does not accept the devise and bequest made in this Item for the purposes for which they are made, then I will and direct that the remainder of the property devised and bequeathed in this Item after the death of my sisters shall become a part of my residuary estate. It is my further wish, however, that Park H. Mikell be

Frazer H. Dill Rhett Page 11

allowed to continue his tenancy of Stono Plantation as long as he wishes, and that William S. Scott be allowed to lease the Airport as long as he wishes. I therefore will and direct that their present respective tenancies be not disturbed during their respective lifetimes, unless they make other arrangements. But this provision shall not enure to their respective heirs, executors, administrators and assigns, and if not sooner terminated by Park H. Mikell and/or William S. Scott, then each tenancy will terminate at the respective death of each.

ITEM 5:

I give and bequeath unto my Trustee hereinafter named in Item 15 of my Will the sum of One Hundred and Fifty Thousand (\$150,000.00) Dollars to be held in trust during the lifetime of my sisters and the survivor of them under the trust set out in Paragraphs A and B of Item 15 of this my Last Will and Testament, granting unto my Trustee in the administration of the trust all of the powers hereinafter set out in Item 15 of my Last Will and Testament. Upon the death of my sisters and the survivor of them, then I direct my Trustee to pay to the Charleston Museum the corpus of the trust established in this Item and any cash and securities from any sale and use of the land by my sisters during their lifetime to be invested and reinvested and the income and/or principal to be used in improving, operating and maintaining the said Wild Life Refuge. In the event that the Charleston Museum does not accept the devise and bequest made in this Item for the purposes for which they are made, then I will and direct that the same after the death of my sisters shall become a part of my residuary estate.

Trusty H. F. E. P. Kell Page III

Thos H. Hill Rhett Page V

for Mary Hay Maybank, if it is used for her. In the event that Mary Hay Maybank survives both her father and mother but is not thirty (30) years of age at the time of the death of the second of these two to die, the trust shall be continued for her benefit until she is thirty (30) years of age, and when she is thirty (30) years of age the corpus and any accumulated income shall be paid over to her or paid over to her issue, freed and discharged of all trusts if she shall leave issue surviving her. In the event that Mary Hay Maybank survives both her mother and father but dies before she attains thirty (30) years of age, then and in that event the corpus and any accumulated income shall be paid freed and discharged of all trusts to the child or children of Mary Hay Maybank who shall take per stirpes. In the event that Mary Hay Maybank is not living when both her mother and father have died and she shall leave no issue surviving, or in the event she survives her parents but dies before attaining thirty (30) years of age, leaving no issue surviving, then, and in either event, the corpus and any accumulated income shall be paid, freed of all trust to the following individuals in the following proportions:

- Six (6%) per cent to Lavinia Maybank Grimbail.
- Four (4%) per cent to Harriet Maybank Hutson.
- Ten (10%) per cent to Harriet Bowen Woodruff.
- Ten (10%) per cent to William H. Bowen.
- Eight (8%) per cent to Alicia Rhett.
- Sixty-two (62%) per cent to Theodore Maybank  
and his wife, Mary Green Maybank, or to the  
survivor of them.

Page 4  
Witness H. Alice R. Holt

ITEM 6: I have made an irrevocable trust for the benefit of Mary Hay Maybank and The First Commercial National Bank of South Carolina as Trustee, dated the 24th day of March, 1960. I give, devise and bequeath the corpus of this trust to Theodore Maybank and The First Commercial National Bank of South Carolina as Trustees, to hold and manage the corpus of the trust under the terms of the trust, which is hereby ratified and confirmed except as changed in this Item, and to pay over or use the income as directed in the trust for Mary Hay Maybank during the lifetime of her mother, Josephine C. Maybank and her father, Joseph Maybank. In the event that she has predeceased her mother, Josephine C. Maybank, and her father, Joseph Maybank, the income shall be paid to her mother, Josephine C. Maybank, during her lifetime and to her father, Joseph Maybank, after the death of her mother during his lifetime, and after the death of the surviving parent of Mary Hay Maybank then the corpus and accumulated income to be paid her issue, per stirpes. If Mary Hay Maybank shall survive her parents, Josephine C. Maybank and Joseph Maybank, and attain the age of thirty (30) years, the corpus and any accumulated income shall be paid to her, freed and discharged of all trusts. I further will and direct that in addition to all powers contained in the trust in which The First Commercial National Bank of South Carolina is Trustee, as above mentioned in this Item, that the said Trustee and its successor Trustee or Trustees, shall have full power to encroach on the corpus of the trust for the education, maintenance and support of Mary Hay Maybank at such times and in such amounts as in their absolute discretion they shall deem in her best interest, and without any accountability to either Josephine C. Maybank or Joseph Maybank for the use of the corpus

The child or children of a deceased beneficiary who is named in this Item to represent the parent and take the parent's share per stirpes. In the event that any beneficiaries named in this Item, may not be living at the time of distribution, does not leave a child or children surviving, then the bequest that would have lapsed because of the death of the beneficiary shall be rateable divided among the living beneficiaries or their issue.

*Francis H. Hill Rhett VI,*

ITEM 7: I give and bequeath unto The South Carolina National Bank of South Carolina the sum of Fifteen Thousand (\$15,000.00) Dollars to be administered upon the trust to receive, hold, manage and preserve the same, to collect the income therefrom and to pay out of the said income the sum of Thirty (\$30.00) Dollars per month unto Ethelbert Wilson as long as he lives, with the power to encroach upon the corpus if necessary so as to insure the monthly payment of Thirty (\$30.00) Dollars to Ethelbert Wilson. If he becomes helpless and my Trustee in its sole discretion shall be the judge of whether or not he is helpless, then I hereby authorize and empower my Trustee to encroach upon the corpus of this trust and pay over whatever sums my Trustee considers sufficient to care for his needs. Upon the death of Ethelbert Wilson then the corpus and any accumulated income shall be added to the Rhett funds that came to me from my husband, I'On L. Rhett, and which are in a safekeeping account at The South Carolina National Bank, and disposed of as hereinafter set forth in this Will as a part of those funds.

ITEM 8: I give and bequeath unto Mary Middleton, my caretaker at 48 Elizabeth Street, the sum of Five Hundred (\$500.00) Dollars if she survives me.

STATE OF SOUTH CAROLINA:

THIRD CODICIL  
TO

# Last Will and Testament

OF

FRANCES H. DILL RHETT

IN THE NAME OF GOD, AMEN!

I, FRANCES H. DILL RHETT, of the City of Charleston, State of South Carolina, being of sound and disposing mind and memory, do hereby make, publish and declare this instrument as a Third Codicil to my Last Will and Testament dated October 17, 1967, hereby ratifying and confirming and republishing my aforesaid Will and Codicils except as changed or modified herein.

ITEM I: Unless my kinsman, Park Mikell, decides otherwise within six (6) months after my death by filing a written disclaimer in the Probate Court for Charleston County, disclaiming and renouncing any rights he may have to continue the tenancy of Stono Plantation during his lifetime (which disclaimer when filed shall void this bequest), I will and direct that his present tenancy be not disturbed during his lifetime, but this provision shall not enure to his heirs, executors, administrators and assigns.

IN WITNESS WHEREOF, I have hereunto set my Hand and Seal at Charleston, South Carolina, this 30<sup>th</sup> day of October, 1972.

Frances H. Dill Rhett (SEAL)

Signed, sealed, published and declared by the above named Testatrix, Francis H. Dill Rhett, as and for a Third Codicil to her Last Will and Testament, in the presence of us, who at her request, in her presence and in the presence of each other have hereunto subscribed our names as witnesses thereto.

<u>MR Baywel</u>	<u>120 Meeting St.</u>	<u>Charleston S.C.</u>
<u>James S. Hess</u>	<u>120 Meeting St.</u>	<u>Charleston, S.C.</u>
<u>Annette H. Burger</u>	<u>120 Meeting St.</u>	<u>Charleston, S.C.</u>



ITEM 9: I give and bequeath unto Theodore Maybank the silver water pitcher that matches the Aiken pitcher which he now has.

ITEM 10: I give and bequeath to Lila Rhett Birthright six (6) side chairs and one arm chair that match the eight (8) side chairs and the one arm chair which she now has. In the event that Lila Rhett Birthright shall predecease me, then I give and bequeath the articles bequeathed in this Item to the children of Jack Maybank who are living at the time of distribution.

ITEM 11: I give and bequeath all of the remaining personal and household effects that I inherited from my husband, I'On L. Rhett, or that belonged to him and which I now own, of every kind, including, without limitation, furniture, pictures, books, statuary, silver, bric-a-brac, tapestries, household goods or supplies and furnishings in equal shares to Theodore Maybank and Josephine C. Maybank. In the event Theodore Maybank should predecease me, then his share under this bequest to go to Josephine C. Maybank. In the event Josephine C. Maybank should predecease me, then her share under this bequest to go to her child or children in equal shares, the child or children of a deceased child to represent his, her or their parent per stirpes. It is my wish and desire that the beneficiaries under this bequest give some of the furniture to Historic Charleston Foundation to be used in the Aiken House if Historic Charleston Foundation takes over 48 Elizabeth Street.

ITEM 12: I give and bequeath my house, 48 Elizabeth Street, to Historic Charleston Foundation in memory of

*Witness H. Lila Rhett VII.*



I'On L. Rhett, grandson of Governor Aiken and the last descendent of his to live there, and Five Thousand (\$5,000.00) Dollars towards repairs, the Five Thousand (\$5,000.00) Dollars to be taken from the assets which are in the safekeeping account in The South Carolina National Bank of Charleston.

ITEM 13: I give and bequeath the following amounts to the following named persons to be taken from the assets which are in the safekeeping account in The South Carolina National Bank of Charleston, identified herein as the Rhett funds:

Alicia Rhett, the sum of Ten Thousand (\$10,000.00) Dollars; Rhetta Blanding Smith, the sum of Two Thousand (\$2,000.00) Dollars; Harold Bowen, Jr., the sum of One Thousand (\$1,000.00) Dollars; Burnet R. Maybank, the sum of One Thousand (\$1,000.00) Dollars; Roberta Maybank Prioleau, the sum of One Thousand (\$1,000.00) Dollars; Elizabeth Maybank Guerard, the sum of One Thousand (\$1,000.00) Dollars; One Thousand (\$1,000.00) Dollars to each of Jack Maybank's three sons, Jack, David and Tommy; Elizabeth Rhett Kennedy, the sum of Two Thousand (\$2,000.00) Dollars.

The child or children of a deceased beneficiary named in this Item to represent the parent and take the parent's share per stirpes. In the event that any beneficiary named in this Item does not leave a child or children surviving, then the bequest that would have lapsed because of the death of the beneficiary shall be rateably divided among the living beneficiaries or their issue.

ITEM 14: I give and bequeath the cash and securities which are now in the safekeeping account in The South Carolina National Bank of Charleston, (Rhett funds) which have not been previously disposed of in this Will, to the following individuals in the following proportions:

Three (3%) per cent to Lavinia Maybank Grimbail.

Two (2%) per cent to Harriet Maybank Hutson.

Five (5%) per cent to Harriet Bowen Woodruff.

Five (5%) per cent to William M. Bowen.

Seven (7%) per cent to Alicia Rhett.

Thirty-one (31%) per cent to Theodore Maybank and

his wife, Mary Maybank, or to the survivor of them.

The child or children of a deceased beneficiary who is named in this Item to represent the parent and take the parent's share per stirpes. In the event that any beneficiary named in this Item, who may predecease me does not leave a child or children surviving, then the bequest that would have lapsed because of the death of the beneficiary shall be rateably divided among the living beneficiaries or their issue.

I give and bequeath the remaining forty-seven (47%) per cent to be added to the trust which I have made with The First Commercial National Bank of Charleston as Trustee, hereinbefore referred to in this Will, to be held and managed under the terms of the said trust as amended by the provisions of this Will. The income, however, to be paid to Josephine C. Maybank during her lifetime and after her death to Joseph Maybank during the term of his life, and after the death of both Josephine C. Maybank and Joseph Maybank to Mary Hay Maybank until she is thirty (30) years of age, when the corpus and any accumulated income shall be paid

IX  
James H. Dill Rhett

over to Mary Hay Maybank, freed and discharged of all trusts. The child or children of Mary Hay Maybank to represent the parent and take the parent's share per stirpes, freed and discharged of all trusts. The disposition of the corpus of this trust and accumulated income in the event certain contingencies should occur is set out in Item 6 of this my Last Will and Testament.

ITEM 15: I give, devise and bequeath all the rest, residue and remainder of my property and estate of every kind and description and wheresoever situate, unto The South Carolina National Bank of Charleston, its successors and assigns, in trust nevertheless for my sisters, Julia Dill Rogers and Pauline Dill, upon the following trust, to wit:

A. To hold, manage and invest the same, make investments, to change investments and to make reinvestments as often as they shall deem advisable; with full power of sale to the said Trustee to sell for cash or for credit, at public or private sale, for the said purposes as fully and effectually as I myself could do if alive and present during the continuance of the trust estate, and for division and distribution of the trust property upon the termination of this trust.

B. To collect the rents, profits, interest and income and pay over or use the income for the benefit of my sisters in equal shares as long as both are living, or all to the survivor, and to pay the reasonable funeral expenses of either or both of my sisters.

*Frances H. Dill Rhett X.*

O.

After the death of both of my sisters my Trustee is to pay the following amounts to the following named persons and/or societies:

To Julia Mikell LaRoche the sum of Five Thousand (\$5,000.00) Dollars; to Frances Mikell Tupper the sum of Ten Thousand (\$10,000.00) Dollars; to Frances Mikell Tupper as Custodian for her daughter, Frances Dill Tupper, the sum of Five Thousand (\$5,000.00) Dollars; Agnes Wallace Mikell, widow of John Mikell, the sum of Five Hundred (\$500.00) Dollars; Park H. Mikell the sum of Ten Thousand (\$10,000.00) Dollars, and in the event that he is not living at the time of distribution then the said Ten Thousand (\$10,000.00) Dollars to his wife, Dorothy Mikell, if she is living; I. Jenkins Mikell the sum of One Thousand (\$1,000.00) Dollars; Starling H. Mikell the sum of One Thousand (\$1,000.00) Dollars; Frances Dill Gish the sum of Ten Thousand (\$10,000.00) Dollars; Ladies Benevolent Society the sum of One Thousand (\$1,000.00) Dollars in memory of my mother; Charleston Library Society the sum of Ten Thousand (\$10,000.00) Dollars to be invested and reinvested and the income used for the maintenance and preservation of the William G. Hinson collection now in the library.

XI, Frances H. Dill Platt

The child or children of a beneficiary named in this Item who shall predecease me to represent the parent and take the parent's share per stirpes.

In the event both my sisters predecease me, I give and devise the aforesaid bequests directly to the parties above named.

ITEM 16: After the payment of the legacies and bequests set forth in the preceding Item, then I give, devise and bequeath all the rest, residue and remainder of my property and estate after the payment of the devises and bequests previously made in this Will to the following institutions to be known as the Dill Fund in each of said institutions:

One-third (1/3) to the Ladies Benevolent Society in memory of Mrs. Joseph T. Dill;  
one-third (1/3) to The Charleston Museum to be held, managed, invested and reinvested with the income to be used in connection with the Wild Life Refuge; the remaining one-third (1/3) to the Vestry of St. Philip's Church, Charleston, South Carolina, to be held and managed and invested and reinvested by the said Vestry as Trustees and the income thereof to be used first for the upkeep and maintenance of the grave of my husband, I'On Lowndes Rhett, and of my grave, and any amount that may remain above to be used for the upkeep of the tombstones or monuments to the Rhetts and Aikens who are his ancestors, and if any amount shall remain, the income thereof may be used for the maintenance and repair of the said Church buildings.

*Francois H. Dill Rhett XII,*



ITEM 17: I will and direct that all estate and inheritance taxes and expenses of administration shall be equitably prorated between the assets which I leave which came to me from my husband, the late I'On L. Rhett, and my other assets which came to me from other sources. I further will and direct that all estate and inheritance taxes that may become due because of my ownership of any interest in the plantation known as Stono Plantation, on James Island, South Carolina, at the time of my death, shall be paid out of my assets other than those which I have received from my late husband, and that the devise of Stono Plantation shall be free and clear of all estate and inheritance taxes.

LASTLY: I nominate, constitute and appoint my sisters, Julia Dill Rogers and Pauline R. Dill, as Executrices of this my Last Will and Testament, and I nominate, constitute and appoint The South Carolina National Bank of Charleston as Executor and Trustee of this my Last Will and Testament, with full power to my said Executrices and Executor to sell all or any portion of my estate, except as hereinafter provided for cash or for credit, at public or private sale, as fully and effectually as I myself could do if alive and present. I will and direct that my Executrices and Executor shall not sell any of my real estate, with the exception of No. 48 Elizabeth Street, unless it is necessary to do so to pay taxes and administration expenses, and shall not sell any family pieces of furniture or silver or other chattels that have come to me by inheritance unless it is necessary to sell one or more of these items for the purpose of paying estate and inheritance taxes and expenses of administration.

XIII  
Havelo H. Lill Rhett

WITNESS my hand and seal this 17<sup>th</sup> day of  
October, A. D. 1967.

Frances H. Dill Rhett

Frances H. Dill Rhett

Signed, sealed, published and declared by the above named Testatrix, Frances H. Dill Rhett, as and for her Last Will and Testament in the presence of us, who at her request and in her presence and in the presence of each other have hereunto subscribed our names as witnesses thereto.

<u>H. M. Hampton</u>	<u>155 King St.</u>	<u>Charleston, S.C.</u>
<u>Judy S. Williams</u>	<u>5 Exchange St.</u>	<u>Charleston, S.C.</u>
<u>N. L. Beannell</u>	<u>5 Exchange St.</u>	<u>Charleston S.C.</u>



# Will

OF

FRANCES H. DILL RHETT

BARNWELL, WHALEY, STEVENSON  
& PATTERSON  
120 MEETING STREET  
CHARLESTON, SOUTH CAROLINA