

Contract To make will.

James C. Dunphy.

No. 201.

This Instrument, executed by me, James C. Dunphy, this 19th day of September, 1904; witnesseth the following: That I, said James C. Dunphy, am the son of William Dunphy, who died testate on the 17th day of September, 1892 leaving his last will, dated February 20th, 1888, duly filed for probate in the Superior Court of the City and County of San Francisco, State of California, on the 21st day of September, 1892, and admitted to probate by order of Court dated Oct. 5th, 1892, and filed October 6th, 1892. That I am the husband of Edith M. Dunphy, to whom I was married on the 2nd day of January, 1903. That said Edith M. Dunphy is now pregnant with child; that I am the father of said child. That on the 22nd day of January, 1904, said Edith M. Dunphy, my said wife, commenced an action in the Superior Court of the City and County of San Francisco, against me for a divorce, for alimony and counsel fees. That thereafter, to-wit; on the 23rd day of August, 1904, my said wife filed in said Court in said action an amended and supplemental complaint in which she alleged

facts constituting grounds for a divorce occurring
 after the date of the commencement of said action,
 and in which she prayed for a divorce, alimony
 and counsel fees. That at the time said amended
 and supplemental complaint was filed, said
 Edith M. Dunphy was living separate and apart
 from me by reason of the matters and things
 alleged in said amended and supplemental
 complaint. (1) That in consideration of the agreement
 of said Edith M. Dunphy to dismiss within five
 days from date hereof said action commenced by
 her as aforesaid against me and her resumption
 of marital relations with me, and in consideration
 of her condonation of all marital offences heretofore
 committed by me against her, and for other good
 and valuable considerations, the receipt whereof
 by me is hereby acknowledged, I hereby promise,
 covenant and agree to make and execute within
 five (5) days from date hereof my last will, in
 and by which I agree and bind myself to give,
 devise and bequeath unto my said wife one-
 half of all the estate which, under my father's
 said will, is subject to my testamentary disposition,
 and one-half of all other estate which now belongs
 to me, or which I may hereafter acquire. Further-
 more, and for the same considerations, in and by
 said will, I hereby promise, covenant and agree to
 give, devise and bequeath to the child of said Edith
 M. Dunphy, which she is now bearing, and all other issue
 of my said marriage, share and share alike, the
 remaining one-half of all of said estate, which, under
 my father's said will, is subject to my testamentary
 disposition, as well as one-half of all other property
 which now belongs to me, or which I may hereafter
 acquire, provided, however, my said will to be
 executed as aforesaid, shall direct that in the event
 of the death of all issue of said marriage before my
 death, said one-half of said estate, intended for
 said issue, shall go to and vest in Carmen U.
 Dunphy, my mother, Mary D. Flood and Jennie C.
 Dunphy, my sisters, and Viola Burnett, my niece,
 share and share alike. (2) That said will to
 be executed pursuant to the terms of this agreement
 shall, as to the issue of my said wife and self,
 be and said will is hereby made irrevocable;
 that I reserve the right to revoke said will
 as to said Edith M. Dunphy, if, at any time
 hereafter, she shall cease to be my wife. In
 witness whereof, I have hereunto set my hand,

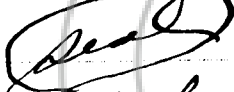
the day and year first above written.


Jas. C. Dunphy.

Witness Matt Sullivan.

State of California
City and County of San Francisco } ss.

On the 20th day of September in the year nineteen Hundred and Four, before me, R. B. Treat, a Notary Public in and for the said City and County, residing therein, duly commissioned and sworn, personally appeared James C. Dunphy known to me to be the person described in, whose name is subscribed to and who executed the annexed Instrument, and he acknowledged to me that he executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal, at my office in the City and County of San Francisco, the day and year in this certificate first above written.

 R. B. Treat, Notary Public,
in and for the City and County of San Francisco, State of
California. Parrott Building.

 Recorded at the Request of Wells Fargo & Co. Agt,
Dec. 28 A. D. 1905 at 20 mins. past 3 P. M.
Wm Spenser Recorder.