

*Durward C. Matherly*  
Forensic Documents Examiner

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April 21, 2015

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Micah D. Ball  
Colombo, Kitchin, Dunn, Ball & Porter, LLP  
Attorneys at Law  
1698 E. Arlington Blvd.  
Greenville, North Carolina 27858

RE: CARTER SMITH KIRWIN/  
ESTATE OF RUTH B. SMITH  
WATERS  
YOUR FILE #14-1589  
MY FILE #2015-023

Dear Mr. Ball:

The following exhibits were submitted for a forensic documents examination and comparison:

<u>EXHIBIT #</u>	<u>DESCRIPTION OF EXHIBIT</u>
A	Signature Page from an Agricultural Lease, dated June 1, 2011, with questioned signature Ruth Smith Waters.
B	"Account Agreement, " bank account signature card with Capital Bank, with three questioned signatures Ruth B. Waters on page 1 and page 2.
C	Note, beginning "Dear Susan," etc., with known handwriting of Ruth B. Smith Waters, written in 2011.
D	Signature page of an Agricultural Lease, dated Oct. 11, 2007, with known signature of Charles Smith and Ruth B. Smith Waters.
E	Three original Wachovia checks with known handwriting and signatures of Ruth B. Smith, dated Aug. 6, 1984, Sept. 12, 1984, and March 31, 1998.
F	Copy of handwritten Last Will and Testament of Ruth B. Waters, dated 10-08-2010, with known handwriting and signature of Ruth B. Smith.
G	Copy of Oath of Executor, dated 01-04-2012, with known signature of Charles B. Smith.

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ESTATE OF RUTH B. SMITH  
WATERS  
YOUR FILE #14-1589  
MY FILE #2015-023

- 2 -

<u>EXHIBIT #</u>	<u>DESCRIPTION OF EXHIBIT</u>
H	Copy of Estate Tax Certification with known signature of Charles B. Smith, dated 01-04-2012.
I	Copy of second page of Annual Account filed, dated 04-04-2012, with known signature of Charles B. Smith.

**EXAMINATION REQUESTED:**

To examine the questioned signatures (Ruth Smith Waters, aka Ruth B. Waters) on Exhibits A and B and compare with the known signatures of Ruth B. Smith Waters on Exhibits C through F, to determine the authenticity of the four questioned signatures on Exhibits A and B.

Also, compare the known signatures of Charles B. Smith on Exhibits A, B, D, G, H, and I with the questioned signatures on Exhibits A and B, to determine authorship of the questioned signatures on Exhibits A and B.

**RESULTS OF EXAMINATION:**

It is my opinion that the author of the known signatures of Ruth B. Smith Waters on Exhibits C through F is not the author of the three questioned signatures on Exhibit B. These three questioned signatures appear to be simulations of Ruth B. Waters' signature. There are differences noted, between the known signatures on Exhibits C through F with the questioned signatures on Exhibit B, in beginning and ending strokes to letters, pen lifts, formations of letters, and line quality.

The author of simulations is difficult to identify unless the author incorporates his or her own handwriting characteristics into the questioned signature.

It is also my opinion that it is Highly Probably that the author of the known signatures of Ruth B. Smith Waters is not the author of the questioned signature on Exhibit A. The questioned signature on Exhibit A is not of good quality for comparison; however, there is no indication, in the questioned signature, that Ruth B. Smith Waters is the author of the questioned signature on Exhibit A.

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WATERS  
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MY FILE #2015-023

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It is suggested that the original or a better copy of Exhibit A be obtained for comparison. This would aid in removing any doubt in my opinion of authorship of the questioned signature on Exhibit A.

It is my opinion that the author of the known signatures of Charles B. Smith could not be identified or eliminated as the author of the questioned signatures on Exhibits A and B.

The above-mentioned opinions can be illustrated for court or a hearing.

I reserve the right to examine the original Exhibits A and B, if they become available, prior to any court testimony.

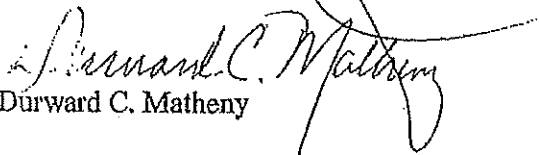
**DISPOSITION OF EXHIBITS:**

Exhibits A through I are enclosed.

Copies of my curriculum vitae and fee schedule are also enclosed.

Please let me know if I can be of further help in this matter.

Sincerely yours,

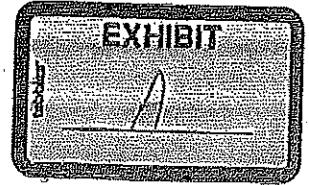
  
Durward C. Matheny

DCM/s

Enclosures

IN WITNESS WHEREOF, the parties hereto, on the date first above written, have caused this Lease to be executed in duplicate.

LESSOR:



By: *Charles B. Smith 6/1/11*  
CHARLES SMITH

*Ruth Smith*  
RUTH SMITH

*Questioned  
Signature  
on Agricultural  
Lease dated 6/1/11*

LESSEE: EASTERN ACRES, LLC.

*Debra J. Inc*  
By *JL BC*

THOMAS B. ORMOND, JR., PRESIDENT

*[Handwritten signature of Thomas B. Ormond, Jr.]*

SHEILA ORMOND, SECRETARY

*Sheila Ormond*

THOMAS B. ORMOND, SR.

*Thomas Ormond Sr*

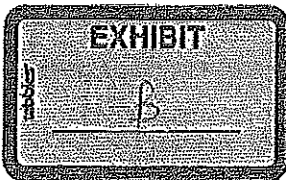
Account Agreement

Date: 05/11/2007

UA

Institution Name & Address

CAPITAL BANK  
 PO BOX 19949  
 RALEIGH NC 27619-8949



IMPORTANT us to obtain asked severat Identification outside sour is protected

If checke Enter Non-In Ownar/Signe

*Questioned Signatures*

*5/11/07*

Ownership

Name

Relationship to Account (Owner and/or Signer, I

Address

Mailing Address (if different)

Home Phone

Work Phone

Mobile Phone

Email

*cbsmith5212@yahoo.com*

Birth Date

01/14/1922

SSN/TIN

579-22-1837

Gov't Issued Photo ID (Type, Number, State, Issue Date, Exp. Date)

1114836 NC  
 01/09/2003 01/14/2008

Other ID (Description, Date)

Employer's Name & Address

Previous Employer

N/A

Owner/Signer Information 2

Name

CHARLES BOWEN SMITH

Relationship to Account (Owner and/or Signer, etc.)

OWNER/SIGNER

Address

5212 NC HWY 92 EAST BATH NC 27808

Mailing Address (if different)

Home Phone

919-881-2127

Work Phone

Mobile Phone

Email

*cbsmith5212@yahoo.com*

Birth Date

06/12/1946

SSN/TIN

244-64-3669

Gov't Issued Photo ID (Type, Number, State, Issue Date, Exp. Date)

NC 1821554  
 ISS: 06/08/2006 EXP: 06/12/2011

Other ID (Description, Date)

Employer's Name & Address

Previous Employer

Internal Use

Account Title & Address

RUTH B WATERS  
 CHARLES BOWEN SMITH  
 5212 NC HWY 92 EAST  
 BATH NC 27808

Ownership of Account

The specified ownership will remain the same for all accounts.

- Individual  Joint with No Survivorship (as tenants in common)

BANK JOINT ACCOUNT WITH RIGHT OF SURVIVORSHIP G.S. § 33-126.1

You understand that by establishing a joint account under the provisions of North Carolina General Statute § 33-146.1 that:

1. The bank may pay the money in the account to, or on the order of, any person named in the account unless you have agreed with the bank that withdrawals require more than one signature; and
2. Upon the death of one joint owner the money remaining in the account will belong to the surviving joint owners and will not pass by inheritance to the heirs of the deceased joint owner or be controlled by the deceased joint owner's will.

You do not to create the right of survivorship in this account.

X *Ruth B. Waters*

X *Charles B. Smith*

- Corporation - For Profit  Corporation - Nonprofit

- Partnership  Sole Proprietorship

Beneficiary Designation

(Check appropriate ownership above.)

- BANK PAYABLE ON DEATH ACCOUNT G.S. § 37-146.2

See page 2 for beneficiary information. You understand that by establishing a Payable on Death account under the provisions of North Carolina General Statute § 37-146.2 that:

1. During your lifetime you may withdraw the money in the account; and
2. By written direction to the bank you, individually or jointly, may change the beneficiary or beneficiaries; and
3. Upon your death the money remaining in the account will belong to the beneficiary or beneficiaries, and the money will not be inherited by your heirs or be controlled by will.

X X

Personal Agency Account Designation

- BANK PERSONAL AGENCY ACCOUNT G.S. § 33-146.3

You understand that by establishing a personal agency account under the provisions of North Carolina General Statute § 33-146.3 that the agent named in the account may:

1. Sign checks drawn on the account; and
2. Make deposits into the account.

You do understand that upon your death the money remaining in the account will be controlled by your will or inherited by your heirs.

- You agree this personal agency will continue if you subsequently become incapacitated or mentally incompetent, in accordance with North Carolina General Statute § 33-146.3(c).

X

Signature(s)

The undersigned authorize the financial institution to investigate credit and employment history and obtain reports from consumer reporting agency(ies) on them as individuals. Except as otherwise provided by law or other documents, each of the undersigned is authorized to make withdrawals from the account(s), provided the required number of signatures indicated below is satisfied. The undersigned personally and as, or on behalf of, the account owner(s) agree to the terms of, and acknowledge receipt of copy(ies) of, this document and the following:

- Terms and Conditions  Privacy
- Electronic Fund Transfers  Truth in Savings
- Substitute Checks  Funds Availability
- Common Features  Min. Monthly Req. Activity - Smart

X *Ruth B. Waters*  
 RUTH B WATERS

X *Charles Bowen Smith*  
 CHARLES BOWEN SMITH

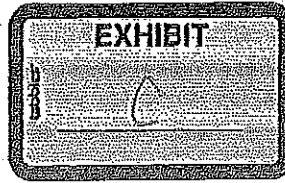
X

X

Number of signatures required for withdrawal: ONE

- Personal Agent (The last of the above signers is a Personal Agent.)





Decedent's note  
to sister in 2011~~2~~  
authentic ~~signature~~  
handwriting.

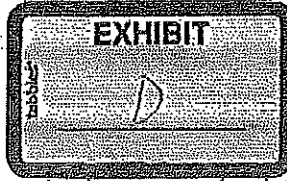


Dear Susan,

Enclosed is a check.  
Greg, Jr. and Carolyn  
Baldwin, would like  
to attend Carter's party.  
Also, John and Cindy and  
John's two brothers.

Thank you.

Love, Ruth.



IN WITNESS WHEREOF, the parties hereto, on the date first above written, have caused this Lease to be executed in duplicate.

LESSOR:

By: Charles Smith  
CHARLES SMITH

By: Ruth B. Smith Waters 10-11-07  
RUTH SMITH

LESSEE: ORMOND FARMS

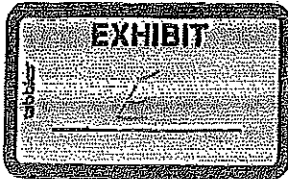
By: Thomas Ormond 10-11-07  
THOMAS ORMOND

IF  
Regarding PARAGRAPH 3: Lessor ~~may also~~ elects to develop <sup>CBS</sup>  
properties or prepare properties for development, terms of  
PARAGRAPH 3 will apply as if the land was sold.

TBS  
RBW

Agricultural Lease  
Signature page  
dated 10-11-07  
authentic handwriting





RUTH B. SMITH  
WARREN B. SMITH

135

*Aug 6 1984*

88-121  
631

PAY TO THE ORDER OF *New-World Travel* \$ *404.00*  
*Four hundred four and 00/100* DOLLARS

**Wachovia**  
Wachovia Bank & Trust Company, N.A.  
Washington, NC 27889

FOR *Mr. & Mrs. Warren Smith Ruth B. Smith*

⑆053101215⑆ 8223 758675⑈ 0135 ⑈0000040400⑈

RUTH B. SMITH  
WARREN B. SMITH

155

*9-12 1984*

88-121  
631

003 0822 08 09-15-84 3 508220978  
PAY TO THE ORDER OF *Internal Revenue Service* \$ *812.60*  
*Eight hundred twelve and 60/100* DOLLARS

**Wachovia**  
Wachovia Bank & Trust Company, N.A.  
Washington, NC 27889

FOR *Ruth B. Smith*

⑆053101215⑆ 8223 758675⑈ 0155 ⑈0000081260⑈

THE PREMIERE MONEY MARKET ACCOUNT OF  
RUTH B SMITH  
CHARLES BOWEN SMITH  
291 CAROLINA MEADOWS VILLA  
CHAPEL HILL, NC 27514

68-763/531

0103

DATE *3-31-98*

PAY TO THE ORDER OF *Warren B Smith* \$ *161,192.23*  
*One hundred sixty-one thousand one hundred ninety two and 23/100* DOLLARS

**WACHOVIA**  
MAILED 04-01-1998 PROCESSED 04-01-1998  
Wachovia Bank, N.A. 09:19:01  
Chapel Hill, NC 27514 T 0003 008012

FOR *To close acct. Ruth B Smith*

⑆053107633⑆ 1739 419183⑈ 0103

*Checks - authentic handwriting*

12. E-03

Last Will & Testament of Ruth B. Waters

I, Ruth B. Waters, resident of Wake County, being of sound mind, do hereby make and declare this to be my Last Will and Testament, hereby revoking all other wills and codicils heretofore made by me.

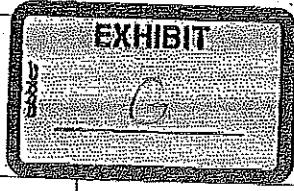
I hereby appoint my cousin, Betty Lou Gurganus and my son, Charles B. Smith to serve as executors of my estate and to receive reasonable compensation for their services.

I direct that my just debts my funeral expenses including the costs of a suitable monument at my graves in the cost of administration of my estate be paid out of the assets of my estate, as soon as practical after my death. I direct that after all debts and taxes are paid, the remainder of the estate will be divided equally between my son Charles B. Smith and my granddaughter, Carter J. Smith.

Ruth B. Waters  
October 8, 2010.



STATE OF NORTH CAROLINA



File No.

12-E-03

Beaufort County

In The General Court Of Justice  
Superior Court Division  
Before The Clerk

IN THE MATTER OF THE ESTATE OF:

Name Of Decedent/Minor/Incompetent/Trust  
Ruth B. Waters

OATH/AFFIRMATION

N.C. Constitution, Art. VI., Sec. 7; G.S.11-7, 11-11; 28A-7-1

I, the undersigned, do solemnly  swear  affirm that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as indicated below;  
 so help me, God.  and this is my solemn affirmation.

(check office below)

OATH OF ADMINISTRATOR

I  swear  affirm that I believe that the above named decedent died without leaving any Last Will and Testament; that I will well and truly administer all and singular the goods and chattels, rights and credits of the deceased and a true and perfect inventory thereof return according to law; and that all other duties appertaining to the charge reposed in me, I will well and truly perform, according to law and with my best skill and ability;  
 so help me, God.  and this is my solemn affirmation.

OATH OF EXECUTOR

I  swear  affirm that I believe this paper writing to be and contain the Last Will and Testament of the above named decedent; and that I will well and truly execute the same by first paying the decedent's debts and then the decedent's legacies; as far as the said estate shall extend or the law shall charge me; and that I will well and faithfully execute the office of an executor, agreeably to the trust and confidence reposed in me, and according to law;  so help me, God.  and this is my solemn affirmation.

OATH OF ADMINISTRATOR CTA

I  swear  affirm that I believe this paper writing to be and contain the Last Will and Testament of the above named decedent; and that I will well and truly execute the same by first paying the decedent's debts and then the decedent's legacies, as far as the said estate shall extend or the law shall charge me; and that I will well and faithfully execute the office of an administrator cta to the best of my skill and ability and according to the law;  
 so help me, God.  and this is my solemn affirmation.

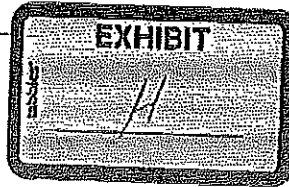
OATH OF FIDUCIARY

I  swear  affirm that I will faithfully and honestly discharge the duties reposed in me according to the best of my skill and ability, and according to law;  so help me, God.  and this is my solemn affirmation.

Name Of Fiduciary 1 Charles B. Smith		Name Of Fiduciary 2 Betty B. Gurganus	
Signature Of Fiduciary <i>Charles B. Smith</i>		Signature Of Fiduciary <i>Betty B. Gurganus</i>	
<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> AFFIRMED AND SUBSCRIBED TO BEFORE ME		<input type="checkbox"/> SWORN <input checked="" type="checkbox"/> AFFIRMED AND SUBSCRIBED TO BEFORE ME	
Date 01-04-2012		Date 01-04-2012	
Signature Of Person Authorized To Administer Oaths <i>Mary J. Harris</i>		Signature Of Person Authorized To Administer Oaths <i>Mary J. Harris</i>	
<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	
<input type="checkbox"/> Notary	Date My Commission Expires	<input type="checkbox"/> Notary	Date My Commission Expires
SEAL	County Where Notarized	County Where Notarized	SEAL

(TYPE OR PRINT IN BLACK INK,  
STATE OF NORTH CAROLINA

Beaufort County



File No.

12-E-03

In The General Court Of Justice  
Before the Clerk

IN THE MATTER OF THE ESTATE OF:

Name Of Decedent	Ruth B. Waters
Date Of Death	12/24/2011
Decedent's Social Security Number (Last Four Digits)	579-22-1637

ESTATE TAX CERTIFICATION  
(FOR DECEDENTS DYING ON OR AFTER 1/1/99)

G.S. 28A-21-2; -25-3;105-32.2

NOTE: Use this form for decedents dying on or after 1/1/99. For decedent's dying before 1/1/99, use AOC-E-207.

I, the personal representative/fiduciary/spouse in the above estate, certify that:

1.  a. The gross value of the estate prior to the date of the decedent's death is less than:
- \$650,000 (If decedent died on or after 1/1/1999).
  - \$675,000 (If decedent died on or after 1/1/2000).
  - \$1,000,000 (If decedent died on or after 1/1/2002).
  - \$1,500,000 (If decedent died on or after 1/1/2004).
  - \$2,000,000 (If decedent died on or after 1/1/2006).
  - \$3,500,000 (If decedent died on or after 1/1/2009).
- b. The decedent died on or after 1/1/2010, and there is no state or federal estate tax due or payable.

2. I am the surviving spouse and sole heir of the decedent.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME		SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME	
Date 01/04/2012	Signature <i>Charles A. Smith</i>	Date 01/04/2012	Signature <i>Ruth B. Burgess</i>
Title Of Personal Representative/Fiduciary/Spouse co-executor		Title Of Personal Representative/Fiduciary/Spouse co-executor	
Address Of Personal Representative/Fiduciary/Spouse 5212 Carter Street Raleigh, NC 27612		Address Of Personal Representative/Fiduciary/Spouse 243 Bowen Road Bath, NC 27808	
Date 01/04/2012	Signature Of Person Authorized To Administer Oaths <i>Mary J. Harris</i>	Date 01/04/2012	Signature Of Person Authorized To Administer Oaths <i>Mary J. Harris</i>
<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	
<input type="checkbox"/> Notary	Date My Commission Expires	Date My Commission Expires	<input type="checkbox"/> Notary
SEAL	County Where Notarized	County Where Notarized	SEAL

NOTE TO PERSONAL REPRESENTATIVE/FIDUCIARY/SPOUSE AND CLERK:  
No final accounting of an estate may be approved unless the personal representative files with the Clerk of Superior Court an Estate Tax Certification, AOC-E-212, or a certificate issued by the Secretary of Revenue stating the estate tax liability has been satisfied. G.S. 105-32.3(c).

